AMERICAN STATE PAPERS.

CLASS I.

FOREIGN RELATIONS.

VOLUME 1.
AMERICAN STATE PAPERS.

DOCUMENTS,

LEGISLATIVE AND EXECUTIVE,

OF THE

CONGRESS OF THE UNITED STATES,

FROM THE FIRST SESSION OF THE FIRST TO THE THIRD SESSION OF THE THIRTEENTH CONGRESS, INCLUSIVE:

COMMENCING MARCH 3, 1789, AND ENDING MARCH 3, 1815.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY WALTER LOWRIE, Secretary of the Senate,

AND

MATTHEW ST. CLAIR CLARKE, Clerk of the House of Representatives.

VOLUME I.

WASHINGTON:
PUBLISHED BY GALES AND SEATON.

1832.
INTRODUCTORY NOTICE.

In presenting to the public the reprint of Congressional Documents, the publication of which has been sanctioned by the act of March 2d, 1831, * the Secretary of the Senate and the Clerk of the House of Representatives deem it proper to explain, briefly, the object of the compilation, the plan of its publication, and the advantages which it may afford to those who desire to be acquainted with the action of the Government, and the Legislative and documentary history of the United States.

The following reports, heretofore presented to both Houses of Congress, will show the plan of the work, and the difficulties which, at its commencement, it had to surmount.

* To the Senate and House of Representatives of the Congress of the United States:

"The Secretary of the Senate and Clerk of the House of Representatives, respectfully make report of their proceedings, under the act of Congress of 2d March, 1831, directing a subscription to the compilation of Congressional documents proposed to be published by Gales & Seaton.

"Immediately after the adjournment of Congress, we commenced the discharge of the duties imposed by the act of Congress. At the very outset, however, we found great difficulty in ascertaining the extent of the duties required of us. Messrs. Gales and Seaton, of their own accord, had submitted to Congress a subscription paper, proposing to republish the Congressional documents for the first thirteen Congresses; the volume, the type, and the size of the page, were designated, as well as the specific sum for each volume when delivered. With these proposals before them, Congress directed the Clerk of the House of Representatives to subscribe for seven hundred and fifty copies, on two conditions: 1st. The documents to be selected under the directions of the Secretary of the Senate and Clerk of the House of Representatives. 2d. The price paid for the printing to be at a rate not exceeding that of the price paid to the Printer of Congress for the printing the documents of the two Houses.

"At the first view, it does not appear difficult to ascertain the specific duties required from us. The documents are to be selected by us. It would, therefore, seem that, when we had given the publishers a list of the papers to be reprinted, our agency was at an end. Circumstances, however, which we will now explain, rendered it impossible that our duties could stop here. The great mass of these documents were to be found only in the archives of the two Houses. No complete set of them existed in any other place. They were contained in one hundred and sixty octavo and folio printed volumes, eighty large folio manuscript records, and in some hundred large files of documents. Charged, as we are, with the care and preservation of all these important documents, we could not, for a moment, permit them to go into the hands of others over whom we had no control. To make the separation of those to be published, without producing disorder, required the knowledge and experience, and the most patient, persevering industry of the most able of our assistants, and of ourselves. Had any one, without that knowledge of these things, which can only be obtained by long experience, undertaken to separate and arrange these documents, he would have been in great danger of reducing the whole to a heap of confusion. In addition to this, many of these documents exist only in the manuscript records of the two Houses, consisting of large folio volumes, substantially bound, and in the best state of preservation. We could not suffer these valuable records to be taken apart, and the portions selected sent to the printing office. We were also unwilling, either to permit them to be taken from the office to be copied, or to permit strangers to come into the office, and occupy our desks and tables in copying them.

"From these considerations, (and others of a similar nature not here detailed,) it was evident to us that it was our duty, not only to select these documents, but also to prepare them for the press.

(*) AN ACT making provision for a subscription to a compilation of Congressional Documents.

As it was enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House of Representatives hereby is authorized and directed to subscribe for seven hundred and fifty copies of the compilation of Congressional Documents proposed to be published by Gales and Seaton. Provided, That the documents shall be selected under the direction of the Secretary of the Senate and the Clerk of the House of Representatives: And provided, also, That the price paid for the printing of the said copies shall be at a rate not exceeding that of the price paid to the printer of Congress for printing the documents of the two Houses.

ANDREW STEVENSON,
Speaker of the House of Representatives.

JOHN C. CALHOUN,
Vice President of the United States and President of the Senate.

Approved: March 2, 1831.

ANDREW JACKSON.
Another question then arose, What arrangement should be given to these documents in the proposed publication? Two modes were suggested: 1st. An arrangement strictly chronological; or, 2d, A division into classes, and each class to preserve its chronological order. After much examination and reflection, we decided on the second mode, and finally adopted the following arrangement:

I. FOREIGN RELATIONS.
II. INDIAN AFFAIRS.
III. FINANCES.
IV. COMMERCE AND NAVIGATION.
V. MILITARY AFFAIRS.
VI. NAVAL AFFAIRS.
VII. POST OFFICE DEPARTMENT.
VIII. PUBLIC LANDS.
IX. CLAIMS.
X. MISCELLANEOUS.

Each of these ten series to have its own number, running from one upward, and to be printed chronologically.

I. FOREIGN RELATIONS.

This will embrace our entire Foreign Relations. It presents a subject of much unity; and, from the importance of its interest, will be the first series. The annual messages of the President of the United States, from their importance, claim a prominent place in this compilation; and their proper place is the first of Foreign Relations, to follow each other in chronological order.

II. INDIAN AFFAIRS.

1st. All documents accompanying Indian treaties.
2d. Indian massacres and depredations.
3d. Indian wars.
4th. Efforts made for their benefit in civilization, agriculture, and the mechanical arts.

III. FINANCES.

This series embraces more variety, consisting of:
1st. Public debt and public credit.
2d. Revenue, direct and indirect taxation, embracing manufactures.
3d. The currency.
4th. The Mint of the United States.
5th. Bank of the United States, and State Banks, so far as connected with the United States.
6th. General principles of the annual estimates.
7th. General principles of the expenses of collecting revenue.
8th. One table of receipts and expenditures.

IV. COMMERCE AND NAVIGATION.

All external matters of this class to be embraced in Foreign Relations.
1st. Imports and exports, and all communications and reports containing general principles and reasoning.
2d. The fisheries, and all communications and reports containing general principles and reasoning.
3d. Light-house establishment.
4th. Improvement of harbors, rivers, roads, and canals.
5th. Tonnage, and all communications and reports of committees containing general principles and reasoning.
6th. Coasting trade, and all communications and reports of committees containing general principles and reasoning.

V. MILITARY AFFAIRS.

1st. Army.
2d. Military academy.
3d. Fortifications.
4th. Armament, arms.
5th. National armories.
6th. Militia.

VI. NAVAL AFFAIRS.

This presents a subject of much unity.

VII. POST OFFICE DEPARTMENT.

This is also a subject in which there is little or no variety.

VIII. PUBLIC LANDS.

This will embrace the whole subject of the public domain, including all claims of individuals and corporations for land.

IX. CLAIMS.

Embracing all claims against the United States, except claims for land, and claims in which foreign relations or finances are directly embraced.

X. MISCELLANEOUS.

Embracing all documents proper to be reprinted, not included in the foregoing.
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"There are many advantages attending this arrangement, which are quite apparent. The class on Indian Affairs, for instance, (the printing of which has been finished,) is contained in a single volume; and, in chronological order, presents our entire Indian relations, unmarred with other matter. Foreign Relations, Military Affairs, Naval Affairs, and the Public Lands, each present distinctions strongly marked from all the others; and the advantage of having each of these great interests in a separate series, is very great. Occasionally, however, documents were met with, partaking so much of two or more classes, that it was difficult to give them a satisfactory arrangement. This was more particularly the case with the series of Finance and Commerce. Some single documents referred less or more to both classes. So, also, of the class of Claims. Some of them involved extensive correspondence with foreign Governments. These were placed with Foreign Relations. Some of them involved our commercial relations; others, the regulations for the sale of public lands. The cases thus described, however, were not numerous; and, in every instance of their occurrence, our best judgment was exercised in giving them the proper arrangement.

"After we had decided on the foregoing as the principles by which the publication should be regulated, we had an interview with Messrs. Gales and Seaton. They stated to us at once that they considered the provision, that the printing should be done at the rate of public printing, as, in a great measure, rescinding the details of their proposals, and that they stood, in regard to Congress, in something of the relation of public printers. That every thing performed by them, besides the printing, would, of course, be a charge against the Government, to be settled and adjusted as Congress might direct. That, as we had the care of the archives of the two Houses, they could not expect that we would entrust them to others, either in the selection, copying, or arrangement. That they were willing, nay desires, that we should take the whole control of the publication, as far as the labor and responsibility of editors were concerned. That the mechanical part, including the paper, the printing, and the binding, would belong to them; and for these they would be responsible.

"From all these considerations, it was evident to us, that, if we acted at all under the act of Congress, it was our duty to assume the whole responsibility of editing the work. Other considerations, besides those mentioned, also led to the same conclusion. We stood in an official relation to the two Houses, and had every possible motive to devote our entire ability to the proper completion of the work. From long experience, and close application to the business of Congress, we had a reasonable confidence in our ability to do the work justice. We had under our direction able and industrious men, and whose experience in these things were even greater than our own. Much of the usefulness of this work will depend on the indexes; and, for doing justice to this item, we know of none so capable as our assistant clerks. We, therefore, did not hesitate, although the responsibility was great, and the labor great, to act upon the principles thus indicated.

"Another important question, of no little embarrassment, was presented in deciding on the size of the page. The joint resolution, of 24th May, 1828, placed that subject under our control; and, after much consideration and reflection, and repeated interviews with the publishers, we decided on the folio size. The facility with which the numerous tables can be inserted on a folio page, was one leading reason for giving it the preference. The volumes of Congressional documents are becoming too numerous for easy reference, and we find a great difficulty in keeping our series perfect. For the public offices, or for large libraries, we believed the folio form altogether the best.

"In selecting the papers for the class on Foreign Relations, it was found, by the Secretary of the Senate, that some important documents, of an early date, were upon the Executive files of the Senate: these papers being under the injunction of secrecy, of course, cannot, in this communication, be particularly described. Generally, it may be observed, that their publication (should there be no objection to removing the injunction of secrecy) would add much to the value and interest of the work. The Secretary of the Senate will bring this subject before the Senate, for their decision respecting it.

"The progress made in the printing will be communicated to Congress by the publishers, and specimens of its execution will also, by them, be laid before the two Houses.

"All which is respectfully submitted.

"DECEMBER 29, 1831."

"WALTER LOWRIE,
"M.W. ST. CLAIR CLARKE.

"To the Senate and House of Representatives of the United States:

"The undersigned respectfully represent, that, encouraged thereto by the act of Congress of the last session, authorizing a subscription to the work, they have not only made a beginning, but have made considerable progress, in the execution of their proposition for publishing a Compilation of the Public Documents of the United States. They have now the pleasure to submit to Congress two volumes, which, excepting the indexes thereto, not yet ready for the press, and the title-pages, which are but temporarily composed, they respectfully offer as samples of the whole work.

"In the arrangement, as well as the selection of the materials of this great national work, they have been governed by the decisions of the Secretary of the Senate and the Clerk of the House of Representatives, under whose directions, moreover, exclusively, the materials of it have been prepared for the press. To their intelligence, industry, and discrimination, and that of the gentlemen in their respective offices, it will owe whatever value it possesses beyond that of a mere print and reprint of the documents on the files of the two Houses of Congress. The caution of Congress, in committing these matters to their ability and discretion, rather than to that of the publishers, has, in the opinion of the undersigned, been justified in the fullest extent by the order, and the form and pressure, which have been given to the work.

"In the arrangement of the documents, the principle of classification has been adopted; the advantages of which will be apparent upon the slightest examination of the samples of it heretofore transmitted. The two volumes now transmitted, are not the first in the series, but are those which have been most easily collated. One of them, it will be discovered, comprises all the Congressional documents upon Indian Affairs, (one of the classes,) from the beginning of the Government up to the commencement of the fourteenth Congress, to which date (4th March, 1815, in-
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clusive) the plan of the present series extends. The other is the first volume of the class of Finance, the whole of which occupies two volumes. When indexes, copies and well digested, such as are in preparation, are added to these volumes, they will afford a facility to the investigations of our legislators, whether in debates or in committee business, which will amply compensate for the expense of the publication, without advertising to their value as national memorials, which, of itself, it is respectfully submitted, would have fully justified the sanction which has been given to this undertaking.

"The two volumes, herewith presented, comprise about one-half of what has been already done in the printing of the work, which is in the course of steady prosecution; and of which, it is hoped, eight or ten volumes may be ready for delivery before the close of the present Congress.

"Of the execution of this work, for which, alone, the undersigned have any right to credit, they beg leave to observe only, that they have endeavored to make it such as should be creditable to the Government, and as should justify the liberal confidence which, by the act of the last session, Congress has reposed in the undertakers. They confidently submit its merits to a comparison with those of any other work of the like nature ever published in this, or any other country.

"A superficial examination of these sample volumes will suffice to satisfy the intelligent observer of the importance of the work to the public service, and to the history of the country. Documents of the highest interest will be found in it, which were either before unknown to the present generation, or forgotten by it, though yet of modern antiquity. Some, which have lain buried under the mass of less important papers, which it has not been deemed useful to include in this publication, are such as enlighten obscure passages in our civil history, and add new motives for the veneration with which the memory of the early actors in the Government is habitually cherished.

"The class of Foreign Relations, first in order, but suspended in its execution to await the decision of the Senate, in regard to the publicity of some of the documents which it would appear properly to comprise, will, when completed, be one of the most interesting and instructive works that has issued from the press within the last thirty years, possessing all the attraction of action, sanctified by all the fidelity of truth.

"All which is respectfully submitted by the publishers.

"WASHINGTON, December 30, 1831."

GALES & SEATON.

To the information conveyed in these reports little need be added to show the design and scope of the work. It will be seen that, soon after its commencement, one portion of it was suspended for the purpose of obtaining the sanction of the proper authority to the publication of papers originally communicated, by the Executive, under an injunction of secrecy, and which remained under the same injunction, although the causes which rendered their publication improper had ceased to exist. These papers, throwing light on past transactions, were numerous and important; and it was thought that the present was, perhaps, the most proper time for their collection and preservation. The circumstances connected with them were, therefore, submitted to the Senate; (*) and having been


"To the Senate of the United States:

"The Secretary of the Senate respectfully makes report of his proceedings in relation to the documents on the confidential files of the Senate, referred to in the report made to the two Houses on the subject of reprinting the Congressional documents.

"In selecting the documents for the class of Foreign Relations, it became necessary to examine whether there were any papers on the executive files of the Senate, from which the injunction of secrecy had been removed, and which had not been printed.

"To effect this object it was proper to compare the papers on file with the Executive Journal, and this necessarily brought every document on those files under examination. Although it was discovered that the files were very imperfect, arising from the papers having been returned to the Department of State; yet, with the permission of the head of that Department, all the papers returned were examined there. The examination of these papers led to a full conviction that, if there be no objection to remove the injunction of secrecy, their publication would add much value and interest to the work now reprinting under the act of last session. In these circumstances, the Secretary believed it to be his duty to delay the printing of the class on Foreign Relations until the Senate could have an opportunity of passing upon the subject. The measures adopted to lessen the labor of any committee of the Senate, who might have charge of the subject, will be seen by the following letter of instructions to the Executive Clerk of the Senate:"

"OFFICE OF THE SECRETARY OF THE SENATE, June 4th, 1831.*

"DEAR SIR;

"In selecting the documents for republication, it is found that some of great importance are on the confidential files of the Senate. These, of course, cannot be published until the injunction of secrecy be removed, either by the Senate or by the Executive. It is found, also, that many papers and documents which were once before the Senate, in their Executive capacity, have been returned to the Department of State. As the Senate will probably act upon this subject at their next session, it is desirable that some examination be made before the meeting of Congress. This examination will embrace as well those papers which have at any time been before the Senate, as those on the files of the Department of State relating to the same subject, but which were not communicated to the Senate. Take, for example, the message of the President of the United States submitting for ratification the treaty negotiated by Mr. Monroe and the instructions and correspondence accompanying the message. In this case the correspondence, as high as No. 52, was laid before the Senate; but, on the files of the Department of State, the despatches reach as high as No. 39 on the subject of this treaty. Take another example in the correspondence of Mr. Morris with the Secretary of State, in 1797, '98. In the letters of Mr. Morris, communicated to the Senate, there are numerous blanks. It may be that no reason now exists to prevent these parts from being furnished, and the whole published.

In an interview with the Secretary of State I have stated this subject to him, and he has given permission for the examination of any papers in the Department of State which have at any time been before the Senate. I have
referred to a Committee of that body, a resolution was reported and passed, (†) removing the injunction, under proper restrictions, and virtually authorizing the publication of whatever could add interest or value to the work.

Under this authority, the confidential files of the Senate, and the records of the Department of State, have been examined with care; and every effort has been used, on the part of the compilers, to supply what appeared to be deficient in the original design, and to render the work still more deserving of national patronage.

The present compilation comprehends a period commencing with the first organization of the Government, in 1789, and terminating with the third day of March, 1815.

It must be obvious to all who consider the period which it embraces; the structure of the Government; the systems to be organized; the principles to be established; and the difficulties to be overcome; that this collection of State Papers contains diversified and important information not easily derived from any other source. It lays open, during a critical and agitating period, every spring of the foreign and domestic policy of the United States; it discloses the governing principles of those who first, under Divine Providence, put our republican system into motion; it traces the perils, from within and from without, by which that system was surrounded; it removes the veil from the designs of artful enemies or insidious friends; and it presents for future imitation the integrity and constancy, the moderation and wisdom, under which the republican institutions of the United States have been seen to gather strength from every succeeding year.

In this compilation the future historian may find a body of authentic materials ready prepared for his hand. To the statesman are presented both warnings to admonish and precedents to instruct. The descendants of those who have heretofore filled the most important trusts may here find embodied, in an imperishable form, the cherished memorials of their vigil and their toils. And in proportion as the facts and principles which they contain shall be impressed upon the mind, will the breast of every citizen be filled with an honorable pride in the institutions of his country, and with gratitude to those who have laid the broad and firm foundations of a nation's welfare.

WALTER LOWRİE, Secretary of the Senate.
MATTHEW ST. CLAIR CLARKE, Clerk
Of the House of Representatives.

JANUARY, 1833.

†To request, therefore, that you will, in the first place, examine the entire documents on the confidential files of the Senate to the close of the thirteenth Congress. In doing this you will take down such an abstract as will show their nature and object. The Secretary of State having already given his consent, you will extend the examination to the files of the Department of State, which relate to these different subjects, and make a similar abstract of every paper which you may judge of importance. This part of the examination will extend, of course, to such parts of letters as have not heretofore been communicated to the Senate. When you are through the examination, you will make out a report for the use of the Senate. You will also make a copy of that part of the report which embraces papers not communicated to the Senate, which you will deliver to the Secretary of State.

WALTER LOWRİE, Secretary of the Senate.

(†) IN SENATE OF THE UNITED STATES, April 14, 1832.

Mr. Tazewell, from the Committee on Foreign Relations, to whom was referred, on the 15th of January, a letter of the Secretary of the Senate, communicating a statement of his proceedings respecting the confidential documents in his office, connected with the publication of State papers by Gales & Seaton, reported the following resolution:

Resolved, That the injunction of secrecy be removed from such papers belonging to the Executive files of the Senate as the Secretary of the Senate may deem proper documents to be included in the present reprint of Congressional documents: Provided, That no document be published until the same shall have been submitted to the Secretary of State, and the publication thereof approved by him.
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SPEECHES AND MESSAGES
OF
THE PRESIDENTS OF THE UNITED STATES
TO BOTH HOUSES OF CONGRESS,
FROM THE FIRST SESSION OF THE FIRST, TO THE LAST SESSION OF THE THIRteenth CONGRESS.

1st Congress.] No. 1. [First Session.

INAUGURAL SPEECH OF PRESIDENT WASHINGTON,
DElIVERED AT NEW YORK, ON THURSDAY, APRIL 30, 1789.

Fellow-citizens of the Senate
and of the House of Representatives:

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope, is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow citizens, and have thence too little consulted my incapacity as well as disinclination, for the weighty and untried cares before me; my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe; who presides in the councils of nations; and whose providential aid can supply every human defect; that his benediction may consecrate to the liberties and happiness of the People of the United States, a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. And in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with a humble anticipation of the future blessings which the past seem to promise. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the Executive Department, it is made the duty of the President “to recommend to your consideration such measures as he shall judge necessary and expedient.” The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with these circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges that, as on one side no local prejudices or attachments—no separate views,
nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this point, because it is one on which my mind has been thoroughly established, than there exists in the economy and course of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the public interest. I feel, therefore, a peculiar anxiety and interest to pronounce the smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American People.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power, delegated by the fifth article of the constitution, is rendered expedient at the present juncture, by the nature of objections which have been urged against the system, or by the degree of impiety and corruption in which we are involved. I was not authorized to the point. Instead of undertaking to give an opinion on them. I shall again give way to my entire confidence in your discernment and pursuit of the public good: for I assure myself, that, whilst you carefully avoid every alteration, which shews the least of the benefits of our united and effective government, or which ought to avoid the lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more imprudently fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty, required that I should renounce every pecuniary compensation. From this resolution, I have in no instance departed. And being still under the impressions which produced it, I must decline, as unapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray, that the pecuniary estimations for the station in which I am placed, will, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave, but not without resorting once more to the benign Parent of the human race, and saying in the language of the American People, with opportunities for deliberating in perfect tranquility, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union, and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of this Government must depend.

April 30.

On Monday, May 18, 1789, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following

ADDRESS:

Sir: We, the Senate of the United States, return you our sincere thanks for your excellent speech delivered to both Houses of Congress; congratulate you on the complete organization of the Federal Government; and felicitate ourselves and our fellow-citizens on your elevation to the office of President—an office highly important by the powers constitutionally annexed to it, and extremely honorable from the manner in which the appointment is made. The unanimous suffrage of the elective body in your favor, is peculiarly expressive of the gratitude, confidence, and affection, of the citizens of America, and is the highest testimonial, at once of your merit and their esteem. We are, therefore, sir, that nothing but the best interests of your fellow-countrymen can prevail over our most ardent desire that your happiness will be the most prosperous fruit of your public services, and that your life will be a presage of the finest predilection, endeared by habit, and consecrated to the repose of declining years. We rejoice, and with us all America, that, in obedience to the call of our common country, you have returned once more to public life. In you all parties confide; in you all interests unite; and we have no doubt that your past services, great as they have been, will be equalled by your future exertions; and that your prudence and sagacity as a statesman will tend to avert the dangers to which we were exposed, to give stability to the present government, and dignity and splendor to that country which your skill and valor, as a soldier, so eminently contributed to raise to independence and eminence.

When we contemplate the coincidence of circumstances, and wonderful combination of causes, which gradually prepared the People of this country for independence: when we contemplate the rise, progress, and termination of the late war, which gave them a name among the nations of the earth; we are, with you, unavoidably led to acknowledge the providence of Heaven; and to feel the most grateful sentiment, for the various events which have actuated a series of events which have led to the formation and establishment of a Federal Government, we esteem your acceptance of the office of President as one of the most propitious and important.

In the execution of the trust reposed in us, we shall exert our endeavors to pursue that enlarged and liberal policy to which your speech so happily directs. We are conscious that the prosperity of each State is inseparably connected with the welfare of all; and that, in promoting the latter, we shall effectively advance the former. In full persuation of this truth, it shall be our invariable aim to direct our views to the general interests of each of our properties and attachments; and to view the great assemblage of communities and interests committed to our charge with an equal eye. We feel, sir, the force, and acknowledge the justness of the observation, that the foundation of our national policy should be laid in private morality. If individuals be not influenced by moral principles, it is in vain to look for public virtues; it is, therefore, of the highest importance that the observance of the most sacred precepts and ethics, the utility, as well as the necessity, of a strict adherence to the rules of distributive justice. We beg you to be assured that the Senate will, at all times, cheerfully co-operate in every measure which may strengthen the Union, conduce to the happiness, or secure and perpetuate the stability of the Republic. We assure you we cannot express the sense of a confidence reposed in us.

We commend you, sir, to the protection of Almighty God, earnestly beseeching him long to preserve a life so valuable and dear to the People of the United States, and that your administration may be prosperous to the nation and glorious to yourself.

To which the President of the United States replied as follows:

GENTLEMEN: I thank you for your address, in which the most affectionate sentiments are expressed in the most obliging terms. The coincidence of circumstances which led to this auspicious crisis; the confidence reposed in me by my fellow-citizens; and the assistance I may expect from counsels which will be dictated by an enlarged and liberal policy; seem to presage a more prosperous issue to my administration than a deficiency of my abilities had hitherto led me to anticipate. I now feel myself exceedingly happy in a belief that Heaven, which has done so much for our infant nation, will not withold its providential influence before our political felicity shall have been com-
pleted, and in a conviction that the Senate will at all times co-operate in every measure which may tend to promote the welfare of this confederated republic, I feel justified in offering this address, for which I have been placed by the Great Arbiter of the universe, aided by the collected wisdom of the Union, and invoking the divine benediction on our joint exertions in the service of our country, I readily engage with you in the arduous but pleasing task of attempting to make a nation happy.

GEO. WASHINGTON.

On Friday, May 8, 1789, the Speaker, attended by the members of the House of Representatives, waited on the President of the United States, and presented to him the following:

ADDRESS:

Sir: The Representatives of the People of the United States present their congratulations on the event by which your fellow-citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor of being the first Magistrate, by the unanimous choice of the freest people on the face of the earth.

We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow-citizens must review successful efforts to promote their happiness.

This anticipation is not justified merely by the past experience of your signal services: it is particularly suggested by the pious impressions under which you commence your administration, and the enlightened maxims by which you mean to conduct it. We feel with you the strongest obligations to adore the invisible hand which has led the American People through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

The question arising out of the fifth article of the constitution will receive all the attention demanded by its importance; and will, we trust, be decided under the influence of all the considerations to which you adhere.

In forming the pecuniary provisions for the Executive department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services, which have been amply fulfilled, and your scrupulous adherence now to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre, of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we verily believe, that, among the millions we represent, there is not a virtuous citizen whose heart will disown them.

All that remains is, that we join in our fervent supplications for the blessings of Heaven on our country, and that we add our own for the choicest of these blessings on the most beloved of her citizens.

To which the President of the United States made the following reply:

GENTLEMEN: Your very affectionate address: produced impressions which I know not how to express. I feel that my past endeavors and the service of my country are far overpaid by its goodness; and I fear much that my future ones may not fulfill your kind anticipation. All that I can promise, is, that they will be invariably directed by an honest and an undying zeal of this resource my heart assures me; for all beyond, I rely on the wisdom and patriotism of those with whom I am to co-operate, and a continuance of the blessings of Heaven on our beloved country.

Fellow-citizens of the Senate and House of Representatives:

I embrace, with great satisfaction, the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important State of North Carolina to the constitution of the United States, (of which official information has been received,) the rising credit and respectability of our country; the general and increasing good will towards the government of the Union; and the concord, peace, and plenty, with which we are blessed, are circumstances auspicious in an eminent degree to our national prosperity.

In resuming your consultations for the general good, you cannot but derive encouragement from the reflection, that the measures of the last session have been as satisfactory to your constituents, as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations, and to secure the blessings which a grateful Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war, is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined; to which end, a uniform and well disciplined plan is requisite: and their safety and interest require, that we should promote such manufactories as tend to render them independent of others for essential, particularly for military supplies.

The proper establishment of the troops which may be deemed indispensable, will be entitled to mature consideration.

In the arrangements which may be made respecting it, it will be of importance to conciliate the comfortable support of the officers and soldiers, with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians, would have relieved the inhabitants of our southern and western frontiers from their depredations; but you will perceive, from the information contained in the papers which I shall direct to be laid before you, (comprehending a communication from the Commonwealth of Virginia) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

The interests of the United States require, that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfill my duty in the manner which circumstances may render most conducive to the public good; and to this end, that the compensations to be made to the persons who may be em-
poyed, should, according to the nature of their appointments, be defined by law; and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights, and measures, of the United States, is an object of great importance, and will, I am persuaded, be daily attended with advantage.

The advancement of agriculture, commerce, and manufactures, by all proper means, will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home; and of facilitating the intercourse between the distant parts of our country by a due attention to the post office and post roads.

Nor am I less persuaded, that you will agree with me in opinion, that there is nothing which can better deserve your patronage, than the promotion of science and literature. Knowledge is, in every country, the surest basis of public tranquillity, by which the people of government receive their impression so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are entrusted with the public administration, that every valuable end of government is best answered by the enlightened confidence of the people; and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that which is fostering the first, avoiding the last; and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established; by the institution of a national university; or by any other expedients, will be well worthy of a place in the deliberations of the Legislature.

Gentlemen of the House of Representatives:

I saw, with peculiar pleasure, at the close of the last session, the resolution entered into by you, expressive of your opinion that an adequate provision for the support of the public credit, is a matter of high importance to the national honour and prosperity; and say, in due solicitude for your best endeavours, to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the Legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interests of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate and House of Representatives:

I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs peculiarly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

The welfare of our country is the great object to which our cares and efforts ought to be directed. And I shall derive great satisfaction from a co-operation with you in the pleasing, though arduous task, of ensuring to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

GEO. WASHINGTON.

UNITED STATES, January 8, 1790.

On Thursday, January 14, 1790, the Senate waited on the President of the United States, and the Vice President, in their name, delivered him the following

ADDRESS:

To the President of the United States:

SIR, We, the Senate of the United States, return you our thanks for your speech delivered to both Houses of Congress. The accession of the State of North Carolina to the constitution of the United States, gives us much pleasure, and inspires us with a hope, that your country's blessing may attend that event; and adds another reason for a hearty wish, that the union may be consummated, and that the proof of the idea which the union has been considered, be the more the goodness of it has appeared. The information which we have received, that the measures of the last session have been as satisfactory to our constituents as we had reason to expect, from the difficulty of the work in which we were engaged, will afford us much comfort for our present exertions, and the present exertion, for the public good; and every exertion on our part shall be made to realize and secure to our country, those blessings which a gracious Providence has placed within her reach. We are persuaded that one of the most effectual means of preserving peace, is to be prepared for war; and our attention shall be directed to the objects of common defence, and to the adoption of such plans and arrangements as are likely to prevent our dependence on other countries for essential supplies. In the meantime, arrangements to be made respecting the establishment of such troops as may be deemed indispensable, we shall, with pleasure, provide for the comfortable support of the officers and soldiers, with a due regard to economy.

We regret that the pacific measures adopted by Government, with regard to certain hostile tribes of Indians, have not been attended with the beneficial effects towards the inhabitants of our southern and western frontiers which we had reason to hope; and we shall cheerfully co-operate in providing the most effectual means for their protection, and, if necessary, for the punishment of aggressors. The uniformity of the currency, and of weights and measures; the introduction of useful and salutary inventions from abroad, and the exertions of skill and genius in producing them at home; the facilitating the communication between the distant parts of our country, by means of the post office and post roads; a provision for the support of the Department of Foreign Affairs; and a uniform rule of naturalization, by which the admission of foreigners to the rights of citizens may be made uniform, and the advantages of the respective importance require. Literature and science are essential to the preservation of a free constitution: the measures of government should, therefore, be calculated to strengthen the confidence that is due to that important truth. Agriculture, commerce, and manufactures, forming the basis of the wealth and strength of our confederated republic, must be the frequent subject of our deliberation, and shall be advanced by all proper means in our power. Public credit being an object of great importance, we shall cheerfully co-operate in all proper measures for its support. Proper attention shall be given to such papers and estimates as you may be pleased to lay before us. Our country's welfare is the direct object of our concern; and we have the most perfect dependence upon your co-operating with us, on all occasions, in such measures as will ensure to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

To which the President of the United States replied as follows:

GENTLEMEN, I thank you for your address, and for the assurances which it contains of attention to the several matters suggested by me to your consideration.

Relying on the continuance of your exertions for the public good, I anticipate for our country the salutary effects of upright and prudent counsels.

GEO. WASHINGTON.
On Thursday, January 14, 1790, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

Sir:

The Representatives of the People of the United States have taken into consideration your speech to both Houses of Congress, at the opening of the present session.

We reciprocate your congratulations on the accession of the State of North Carolina—an event which, while it is a testimony of the increasing good will towards the Government of the Union, cannot fail to give additional dignity and strength to the American republic, already rising in the estimation of the world, in national character and respectability.

The information that our measures of the last session have not proved dissatisfactory to our constituents, affords us much encouragement at this juncture, when we are resuming the arduous task of legislating for so extensive an empire.

Nothing can be more gratifying to the Representatives of a free People, than the reflection that their labors are rewarded by the approbation of their fellow-citizens. Under this impression, we shall make every exertion to realize their expectations, and to secure to them those blessings which Providence has placed within their reach. Still promoted by the same desire to promote their interests which then actuated us, we shall, in the present session, diligently and anxiously pursue those measures which shall appear to us conducive to that end.

We concur with you in the sentiment, that agriculture, commerce, and manufactures, are entitled to legislative protection, and that the promotion of science and literature will contribute to the security of a free government in the progress of our deliberations, we shall not lose sight of objects so worthy of our regard.

The various and weighty matters which you have judged necessary to recommend to our attention, appear to us essential to the tranquility and welfare of the Union, and claim our early and most serious consideration. We shall proceed, without delay, to bestow on them that calm discussion which their importance requires.

We regret that the pacific arrangements pursued with regard to certain hostile tribes of Indians, have not been attended with that success which we had reason to expect from them. We shall not hesitate to concur in such further measures as may best obviate any ill effects which might be apprehended from the failure of those negotiations.

Your appointment of the vote of this House, at the last session, respecting the provision for the public creditors, is very acceptable to us. The proper mode of carrying that resolution into effect, being a subject in which the future character and happiness of these States so deeply involved, will be among the first to deserve our attention.

The prosperity of the United States is the primary object of all our deliberations; and we cherish the reflection that every measure which we may adopt for its advancement, will not only receive your cheerful concurrence, but will, at the same time, derive from your co-operation, additional efficacy, in ensuring to our fellow-citizens the blessings of a free, efficient, and equal government.

To which the President of the United States made the following reply:

Gentlemen:

I receive with pleasure the assurances you give me, that you will diligently and anxiously pursue such measures as shall appear to you conducive to the interests of your constituents; and that an early and serious consideration will be given to the various and weighty matters recommended by me to your attention.

I have full confidence that your deliberations will continue to be directed by an enlightened and virtuous zeal for the happiness of our country.


1st Congress. No. 3. [54 Session.]

SPEECH OF PRESIDENT WASHINGTON, DELIVERED ON WEDNESDAY, DECEMBER 8, 1790.

Fellow-citizens of the Senate and House of Representatives:

In meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty, and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock, abroad as well as at home; and the revenues allotted for this and other national purposes, have been productive beyond the calculations by which they were regulated. This latter circumstance is at the same time pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former is discharging their engagements has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisionary measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of those powers may proceed with advantage and success. The Secretary of the Treasury has my direction to communicate such further particulars as may be requisite for more precise information.

Since your last sessions, I have received communications, by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and magnanimity with which it has been conducted, will be found to do great honor to both the parties; and the sentiments of warm attachment to the Union and its present government, expressed by our fellow citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress, that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the northwest side of the Ohio. These, with some of the tribes dwelling on and near the Wabash, have of late been particularly active in their depredations; and, being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes as could be seduced to join in their hostilities,
or afford them a retreat for their prisoners and plunder, they have, instead of listening to the humane invitations and overtures made to them here, renewed their attacks. A number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking; whilst others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the western settlements that the aggressors should be made sensible that the government of the Union is not less capable of punishing their crimes, than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force, the act which empowers the President to call out the militia for the protection of the frontiers; and I have now, in the absence of the regular troops in that quarter, the authority to issue such drafts of militia as were deemed sufficient; the event of the measure is yet unknown to me. The Secretary of War is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean.

So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misplaced which may lead to its relief and protection.

The laws you have already passed for the establishment of a judiciary system, have opened the doors of Justice to all descriptions of our citizens. You will consider, in your wisdom, whether improvements in that system may not be made, and particularly whether an uniform process of execution, on sentences issuing from the federal courts, be not desirable through all the States.

The patronage of our commerce, of our merchants, and seamen, has called for the appointment of consuls in foreign parts. I recommend to the legislature, by law, the establishment of such a jurisdiction, and those functions which are permitted them, either by express convention, or by a friendly indulgence in the places of their residence. The consular convention, too, with His Most Christian Majesty, has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the militia, of a mint, of standards of weights and measures, of the post office and post roads, are subjects which I presume you will resume of course, and which are abundantly urged by their own importance.

Gentlemen of the House of Representatives:

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. You will consider, in your wisdom, whether improvements in that system may not be made, and particularly whether an uniform process of execution, on sentences issuing from the federal courts, be not desirable through all the States.

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. You will consider, in your wisdom, whether improvements in that system may not be made, and particularly whether an uniform process of execution, on sentences issuing from the federal courts, be not desirable through all the States.

Gentlemen of the Senate and House of Representatives:

In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom, and animated by that spirit of the public good which, in the public mind, is the perpetual attachment to the principles of good government. I feel an entire confidence in the sufficiency of the motives which have produced them, and in the wisdom of the dispositions which have been concerted in pursuance of the powers vested in you; and, whatever may have been the event, we shall cheerfully concur in the provisions which have been undertaken may require on the part of the Legislature, and in any other which the future peace and safety of our frontier settlements may call for.

The critical posture of the European Powers will engage a due portion of our attention; and we shall be ready to adopt any measures which a prudent circumstance may suggest, for the preservation of the blessings of peace.

The improvement of the judiciary system, and the other important objects to which you have pointed our attention, will not fail to engage the consideration they respectively merit.

United States, December 8, 1790.

On Monday, December 13, 1790, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following

ADDRESS:

To the President of the United States of America:

We receive, sir, with particular satisfaction, the communications contained in your speech, which confirm to us the progressive state of the public credit, and afford, at the same time, a new proof of the solidity on the foundation on which it rests; and we cheerfully join in the acknowledgment which is due to the prudence and patriotism of the members of your cabinet and our fellow-citizens, whose collective efforts have, in the public mind, their permanent attachment to the principles of good government.

In confidence that every constitutional preliminary has been observed, we assure you of our disposition to concur in giving the requisite sanction to the admission of Kentucky as a distinct member of the Union; in which case, we shall derive the advantage from the sentiments of attachment towards the Union, and its present government, which have been expressed by the patriotic inhabitants of that district.

While we regret that the continuance and increase of the hostilities and depredations which have disturbed our northern frontiers do not tend to the consolidation of our Constitution, we feel an entire confidence in the sufficiency of the motives which have produced them, and in the wisdom of the dispositions which have been concerted in pursuance of the powers vested in you; and, whatever may have been the event, we shall cheerfully concur in the provisions which have been undertaken may require on the part of the Legislature, and in any other which the future peace and safety of our frontier settlements may call for.

The critical posture of the European Powers will engage a due portion of our attention; and we shall be ready to adopt any measures which a prudent circumstance may suggest, for the preservation of the blessings of peace.

GEO. WASHINGTON.
In the course of our deliberations upon every subject, we shall rely upon that co-operation which an undiminished zeal and incessant anxiety for the public good, on your part, so thoroughly ensure, and as it is our anxious desire, so it shall be our constant endeavor, to render the established Government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence.

To which the President of the United States replied as follows:

GENTLEMEN:

These assurances of favorable attention to the subjects I have recommended, and of entire confidence in my views, make the impression on me which I ought to feel. I thank you for them both, and shall continue to rely much for the success of all our measures for the public good, on the aid they will receive from the wisdom and integrity of your counsels.

GEO. WASHINGTON.

On Monday, December 15, 1790, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

Sir: The Representatives of the People of the United States have taken into consideration your address to the two Houses at the opening of the present session of Congress.

We share in the satisfaction inspired by the prospects which continue to be so auspicious to our public affairs. The blessings resulting from the smiles of Heaven on our agriculture; the rise of public credit, with the further advantages promised by it; and the fertility of resources which are found so little burdensome to the community; fully authorize our mutual congratulations on the present occasion. Nor can we learn, without an additional gratification, that the energy of the laws for providing adequate revenues, have been so honorably seconded by those classes of citizens whose permanent and annual profits were more immediately concerned.

The success of the loan opened in Holland, under the disadvantages of the present moment, is the more important, as it not only denotes the confidence already placed in the United States, but as the effect of a judicious application of that aid, will still further illustrate the solidity of the foundation on which the public credit rests.

The prudence displayed by the State of Virginia, in concert with the District of Kentucky, towards the erection of the latter into a distinct member of the Union, exhibit a liberality mutually honorable to the parties. We shall bestow on this important subject the favorable consideration which it merits; and, with the national policy which ought to govern our decisions, shall not fail to strike the affectionate sentiments which are awakened by those expressed on behalf of our fellow-citizens of Kentucky.

Whilst we regret the necessity which has produced offensive hostilities against some of the Indian tribes northwest of the Ohio, we sympathize too much with our western brethren, not to behold with approbation the watchfulness and vigor which have been exerted by the Executive authority for their protection; and which we trust will make the aggressors sensible that it is their interest to merit, by a peaceable behavior, the friendship and humanity which the United States are always ready to extend to them.

The encouragement of our own navigation has at all times appeared to us highly important. The point of view under which you have recommended it to us, is strongly enforced by the actual state of things in Europe. It will be incumbent on us to consider in what mode our commerce and agriculture can be best relieved from an injurious dependence on the navigation of other nations, which the frequency of their wars renders a too precarious resource for conveying the productions of our country to market.

The present state of our trade to the Mediterranean seems not less to demand, and will accordingly receive, the attention which you have recommended.

Having already concurred in establishing a judiciary system, which opens the doors of justice to all, without distinction of persons, it will be our disposition to improve every improvement which experience may suggest. And we shall consider in particular how far the uniformity, which, in other cases, is found convenient in the administration of the General Government through all the States, may be introduced into the forms and rules of executing sentences issued by the Federal courts.

The proper regulation of the jurisdiction and functions which may be exercised by consuls of the United States in foreign countries, with the provisions stipulated to those of His Most Christian Majesty established here, are subjects of too much consequence to the public interest and honor not to partake of our deliberations.

We shall renew our attention to the establishment of the militia, and the other subjects unfinished at the last session, and shall proceed in them with all the despatch which the magnitude of all, and the difficulty of some of them will allow.

Nothing has given us more satisfaction than to find that the revenues herebefore established have proved adequate to the purposes to which they were allotted. In extending the provision to the residuary objects, it will be equally our care to secure sufficiency and punctuality in the payments due from the Treasury of the United States. We shall, also, never lose sight of the policy of diminishing the public debt as fast as the increase of the public resources will permit; and are particularly sensible of the many considerations which press a resort to the auxiliary resource furnished by the public lands.

In pursuing every branch of the weighty business of the present session, it will be our constant study to direct our deliberations to the public welfare. Whatever our success may be, we can at least answer for the fervent love of our country, which ought to animate our endeavors. In your co-operation we are sure of a resource, which fortifies our hopes that the fruits of the established Government will justify the confidence which has been placed in it, and recommend it more and more to the affection and attachment of our fellow-citizens.

To which the President of the United States made the following reply:

GENTLEMEN:

The sentiments expressed in your address are entitled to my particular acknowledgment. Having as a subject but the good of our country, this testimony of approbation and confidence from its immediate Representatives must be among my best rewards, as the support of your enlightened patriotism has been among my greatest encouragements. Being persuaded that you will continue to be actuated by the same auspicious principle, I look forward to the happiest consequences from your deliberations during the present session.

GEO. WASHINGTON.
Fellow-citizens of the Senate, and of the House of Representatives:

I meet you upon the present occasion with the feelings which are naturally inspired by a strong impression of the importance of the subject of our common country; and by persuasion, equally strong, that the labors of the session, which has just commenced, will, under the guidance of a spirit no less profuse than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous are the providential blessings which demand our grateful acknowledgments, the abundance with which God has been pleased to crown the exertions of humanity is too important to leave unexplored.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their demands, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you, nevertheless, cannot fail to derive satisfaction from the confirmation of these circumstances, which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

The rapid subscription to the Bank of the United States, which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the Government, but of resource in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these, is the defence and security of the western frontiers. To accomplish it on the principles of a humane policy was it necessary that treaties be made provisionally concluded, and other proper means used to attach the wavering, and to confirm in their friendship the well disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

The measures having proved unsuccessful, it became necessary to convince the refractory of the power of the United States to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and the others are depending. The proceedings which have been completed, are founded on the authority, and at the expense of the United States, by the militia of Kentucky; whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired that all need of coercion in future may cease; and that an intimate intercourse may succeed to the measures adopted to assure the happiness of the Indians, and to attach them firmly to the United States.

In order to this, it seems necessary:

That they should experience the benefits of an impartial dispensation of justice;

That the mode of alienating their lands, the main source of discontent and war, should be so defined and regulated as to obviate imposition, and, as far as may be practicable, controversy concerning the reality and extent of the alienations which are made;

That commerce with them should be promoted under regulations tending to secure an equitable deportment toward them, and that such rational experiments should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties, and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy, towards an enlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as compatible to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensations, have like- wise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by the law. It is hoped that the circumspection which has been used, will be found, in the result, to have secured the last of the two objects; but it is probable, that, with a view to the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community, have been, upon the whole, such as were to be expected among enlightened and well disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion, in particular places, to some degree of discontent. But it is satisfactory to know that this disposition yields to proper explanations and more just apprehensions of the true nature of the law. And I entertain a hope that it will be, in all, give way to motives which arise out of a just sense of duty, and a virtuous regard to the public welfare.

If there are any circumstances in the law, which, consistently with its main design, may be so varied as to remove any well intended objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the People.

Parasitical and servile dependence contains the very soul of the Constitution as calculated on that subject, a district of ten miles square, for the permanent seat of the Government of the United States, has been fixed, and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A circumstance that, according to the spirit of the Constitution, is to be brought, in a peculiar manner, to the attention of the House of Representatives, and which, by a course of conduct not unusual among the different branches of the Federal Government, has been overlooked. This district, which, in consequence of the act passed by Congress, and as there is a prospect, favored by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for which provision was made by law, has been duly notified, (excepting one instance, in which the return has been informal, and another, in which it has been omitted or miscarried,) and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance that the present population of the United States borders on four millions of persons.
PRESIDENTS' SPEECHES.

It is proper also to inform you, that a further loan of two millions and a half of florins has been completed in Holland; the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of florins, had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate:

Two treaties, which have been provisionally concluded with the Cherokees and Six Nations of Indians, will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives:

In entering upon the discharge of your legislative trust, you must anticipate with pleasure, that many of the difficulties necessarily incident to the first arrangements of a new government for an extensive country, have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the Legislature. The important objects which remain to be accomplished, will, I am persuaded, be conducted upon principles equally comprehensive, and equally well calculated for the advancement of the general weal. The time limited for receiving subscriptions to the loans proposed by the act making provision for the debt of the United States, has already expired; and the proper department will, so soon as possible, apprise you of the exact result. Enough, however, is already known, to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of the public treasurer, which has been subscribed, of the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the Government with which they are actuated. The subscriptions in the debts of the respective States, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed, will naturally engage your further deliberations.

It is particularly pleasing to me to be able to announce to you, that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occurs, to supersede, for the present, the necessity of any new burthens upon our constituents.

An object which will claim your early attention, is a provision for the current service of the ensuing year, together with such ascertained demands upon the Treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

Gentlemen of the Senate and of the House of Representatives:

I shall content myself with a general reference to former communications for several objects, upon which the urgency of our affairs has taught me to postpone any definitive resolution. Their importance will recall them to your attention, and I trust that the progress you will make in the most arduous arrangements of the Government, will afford you leisure to resume them with advantage.

There are, however, some of them, of which I cannot forbear a more particular mention. These are: the militia; the post office and post roads; the mint; weights and measures; a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connexion with this, the establishment of competent courts of justice, and the introduction of such institutions and their peripheral offices as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under divine protection, ought to rest on the basis of systematic and solid arrangements; exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the post office and post roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by the instrumentality in diffusing a knowledge of the laws and proceedings of the Government; which, while it contributes to the security of the people, serves also to guard them against the evils of misinformation and misconception. The establishment of additional cross posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change—a scarcity so peculiarly distressing to the poorer classes—strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a mint. Measures have been taken, pursuant to that resolution, for procuring some of the most necessary artists, together with the requisite apparatus.

An uniformity in the weights and measures of the country is among the important objects submitted to you by the constitution; and if it can be derived from a standard at once invincible and universal, must be no less honorable to the public councils than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the necessity of providing for the public debt; that, if timely and judiciously applied, they may save the necessity of burdening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

GEO. WASHINGTON.

UNITED STATES, October 25, 1791.

On Monday, October 31, 1791, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following:

ADDRESS:

To the President of the United States:

Sir: The Senate of the United States have received with the highest satisfaction the assurances of public prosperity contained in your speech to both Houses. The multiplied blessings of Providence have not escaped our notice, or failed to excite our gratitude.

The benefits which flowed from the restoration of public and private confidence are conspicuous and important; and the pleasure with which we contemplate them is heightened by your assurance of those further communications which shall confirm their existence and indicate their source.

Whilst we rejoice in the success of those military operations which have been directed against the hostile Indians, we labor with you the necessity that has produced them; and we participate the hope that the present prospect of a general peace, on terms of moderation and justice, may be wrought into complete and permanent effect and that the measures of Government may equally embrace the security of our frontiers and the general interests of humanity. The objects which we have in view, we shall continue to obtain which will ensure our zealous attention to an object so warmly espoused by the principles of benevolence, and so high in the honor and welfare of the nation.

The several subjects which you have particularly recommended, and those which remain of former sessions, will engage our early consideration. We are encouraged to prosecute them with alacrity and steadiness, by the belief that they will eventually contribute to the general welfare, the public assistance of concert, and by a view of those arduous and important arrangements which have been already accomplished.

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We observe, sir, the constancy and activity of your zeal for the public good. The example will animate our efforts to promote the happiness of our country.

To which the President of the United States made the following reply:

GENTLEMEN:

This manifestation of your zeal for the honor and the happiness of our country, derives its full value from the share which your deliberations have already had in promoting both.

I thank you for the favorable sentiments with which you view the part I have borne in the arduous trust committed to me by the Government of the United States, and desire to be assured that all my zeal will continue to second those further efforts for the public good which are ensured by the spirit in which you are entering on the present session.

GEO. WASHINGTON.

On Friday, October 28, 1791, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered him the following

ADDRESS:

Sir:

In receiving your address, at the opening of the present session, the House of Representatives have taken an ample share in the feelings inspired by the actual prosperity and flattering prospects of our country; and whilst, with becoming gratitude to Heaven, we ascribe this happiness to the true source from which it flows, we behold, with an animating pleasure, the degree in which the constitution and laws of the United States have been instrumental in dispensing it.

It yields us particular satisfaction to learn the success with which the different important measures of the Government have proceeded; as well those specially provided for at the last session, as those of preceding date.

The safety of our western frontier, in which the lives and reposes of so many of our fellow-citizens are involved, being peculiarly interesting, your communications on that subject are proportionally grateful to us. The gallantry and good conduct of the militia, whose services were called for, is an honorable confirmation of the efficacy of that precious resource of a free State. And we anxiously wish that the consequences of their successful enterprises, and of the other proceedings to which you have referred, may leave the United States free to pursue the most benevolent policy towards the unhappy and deluded race of people in our neighborhood.

The amount of the population of the United States, determined by the returns of the census, is a source of the most pleasing reflections, whether it be viewed in relation to our national safety and respectability, or as a proof of that felicity in the situation of our country, which favors so unexampled a rapidity in its growth. Nor ought any to be insensible to the additional motive suggested by this important fact, to perpetuate the free government established, with a wise administration of it, to a portion of the earth which promises such an increase of the number which is to enjoy those blessings within the limits of the United States.

We shall proceed, with all the respect due to your patriotic recommendations, and with a deep sense of the trust committed to us by our fellow-citizens, to take into consideration the various and important matters falling within the present session. And, in discussing and deciding each, we shall feel every disposition, whilst we are pursuing the public welfare, which must be the supreme object with all our constituents, to accommodate, as far as possible, the means of attaining it to the sentiments and wishes of every part of them.

To which the President of the United States replied as follows:

GENTLEMEN:

The pleasure I derive from an assurance of your attention to the objects I have recommended to you, is doubled by your concurrence in the testimony I have borne to the prosperous condition of our public affairs.

Relying on the sanctions of your enlightened judgment, and on your patriotic aid, I shall be the more encouraged in all the measures for the public weal and particularly in those which may be required on my part for executing the salutary measures I anticipate from your present deliberations.

GEO. WASHINGTON.

2d Congress.] No. 5. [3d Session.

SPEECH OF PRESIDENT WASHINGTON.

DELIVERED ON TUESDAY, NOVEMBER 6, 1792.

Fellow-citizens of the Senate and of the House of Representatives:

It is some abatement of the satisfaction which with me you meet on the present occasion, that, in felicitating you on a continuance of the national prosperity, generally, I am not able to add to it information that the Indian hostilities, which have, for some time past, distressed our northern frontier, have terminated.

You will, I am persuaded, learn, with no less concern than I communicate it, that reiterated endeavors towards effecting a pacification, have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquillity to the frontier; to stop the further effusion of blood; to arrest the progress of expense; to forward the prevalent wish of the nation for peace, hinged to the common interests through various channels, to accomplish these desirable purposes; in making which efforts, I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable; or, if not attainable, to ascertain unequivocally that such is the case.

A detail of the measures which have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success, thus far, will, I trust, evince that means as proper and as efficacious as could have been devised have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despaired of, is not promised by any thing that has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction, commonly respected even among savages, has been found, in this instance, insufficient to protect from massacre the emissaries of peace. It will, I presume, be duly considered whether the occasion does not call for an exercise of liberality towards the families of the deceased.
It must add to your concern to be informed, that, besides the continuation of hostile appearances among the tribes of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of Chickamauga, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighboring settlements.

It is therefore matter of congratulation, that they have been made, under the direction of the President, to enter into a capitulation with him, by the terms of which they have been promised a rendezvous, and a safe navigation of the river, in return for a sufficient security of the peace.

It is not understood that any breach of treaty, or aggression whatsoever, on the part of the United States, or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practicable exertion has been made (pursuant to the law for that purpose) to afford all possible satisfaction to the people suffering from the effect of a failure of part of the navigation.

A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete; and pains have been taken to discipline and put them in condition for the particular kind of service to be performed.

A delay in being stationed (besides being measures which were pursuing towards a pacific termination of the war) has been in itself deemed preferable to immature efforts. A statement from the proper department, with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information as a guide to the legislative consultations; and, among other things, will enable Congress to judge whether, in the present circumstances, it may not be necessary to provide for their support.

In looking forward to the future expense of the operations which may be found inevitable, I derive comfort from the information I receive, that the product of the revenues for the present year is likely to supersede the necessary additional barrens on the public chest for the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no extension of the spirit of hostility.

I cannot dismiss the subject of Indian affairs, without again recommending to your consideration the expediency of those measures which have been given to your view throughout the course of the present session. The commission of outrages upon the Indians without which, all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and worthy persons to reside among them, as agents, would also contribute to the preservation of peace and good neighborhood.

If, in addition to these expedients, an eligible plan could be conceived for the establishment of civil authority in the different parts of the country, of an extent equal to their wants, and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interests with ours could not but be considerable.

These regulations have been recommended. The attempts have been made; and it is not for the impediments which, in some places, continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening, in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and, under this impression, I have issued a proclamation, warning against all unlawful combinations and proceedings, having for their object or tendency to obstruct the operation of the law in question, and announcing that all lawful means and ways would be strictly put in execution for bringing to justice those infractions thereof, and securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and Congress may be assured, that nothing within constitutional and legal limits, which may depend on me, shall be wanting to assert and maintain the just authority of the law, for the full enforcement of it, and the full co-operation of the other departments of the Government, and upon the zealous support of all good citizens.

I cannot forbear to bring into the view of the Legislature the subject of a revision of the judiciary system.

A representation from the judges of the supreme court, which will be laid before you, points out some of the inconveniences that are experienced. In the course of the execution of the laws, considerations arise out of the structure of that system, which, in some cases, tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the courts of the United States, and a supplementary definition of offenses against the constitution and laws of the Union, and of the punishment for such offenses, will, if it be thought expedient, be found worthy of particular attention.

Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions, to guard against those acts of our own citizens which might tend to disturb it, and to put ourselves in a condition to make due satisfaction, if hereafter they should, by any conduct on our part, require it. I therefore particularly recommend to your consideration the means of preventing those aggressions by our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them; and, in general, the maintenance of a friendly intercourse with foreign Powers will be the result of measures adopted by Congress to carry into effect the expiation of the law for that purpose, which takes place, if not renewed, at the close of the present session.

In execution of the authority given by the Legislature, measures have been taken for engaging some artists from abroad to assist in the establishment of the mint; others have been employed at home. Provision has been made for the erection of the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half dimes, the want of small coins in circulation calling the first attention to them.

The circulation of foreign coins, in correspondency with the principles of our national coinage, as being essential to their due operation, and to order in our money concerns, will, I doubt not, be resumed and completed.

It is represented that some provisions in the law which establishes the post office, operate, in experiment, against the transmission of intelligence to distant parts of the country. Should this be the case, it is found to be a fact, a full conviction of the importance of facilitating the circulation of political intelligence and information, and the establishment of the post office by the express of the mail for that purpose, which takes place, if not renewed, at the close of the present session.

The adoption of a constitution for the State of Kentucky has been notified to me. The Legislature will share with me the satisfaction which arises from such an event, and the knowledge which enters into the happiness of the part of the nation to which it relates, and conducive to the general order.

It is proper likewise to inform you, that, since my last communication on the subject, and in further execution of the constitutionally making provision for the public debt and for the reduction thereof, three new loans have been effected, each for three millions of dollars; one at Ansewerp, at the annual interest of four and one half per cent, with an allowance of four per cent, in lieu of all charges; and the other two at Amsterdam, at the annual interest of four per cent, with an allowance of five and one half per cent. In one case, and of five per cent. in the other, in lieu of all charges. In each of the loans, and the circumstances under which they have been made, are confirmations of the high state of our credit abroad.

Among the objects to which these funds have been directed to be applied, the payments of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.
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Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to its charter, by which it is incorporated. In fulfilling the public stipulations in this respect, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such extraordinary as may require provision, will demand, and I doubt not will engage, your early attention.

Gentlemen of the Senate and of the House of Representaties:

I content myself with recalling your attention, generally, to such objects, not particularized in my present, as have been suggested in my former communications to you. Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular notice. The results of your common deliberations hitherto, will, I trust, be productive of solid and durable advantages to our constituents such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of government, upon which, under divine Providence, materially depend their union, their mutual prosperity, and their happiness.

Still further to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency than the careful cultivation of harmony, combined with a due regard to stability in the public councils.

United States, November 6, 1792.

On Friday, November 9, 1792, the Senate waited on the President of the United States, and the President pro tempore, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Accept, sir, our grateful acknowledgments for your address at the opening of the present session. We participate with you in the satisfaction arising from the continuance of the general prosperity of the nation; but it is not without concern, that we are informed that the reiterated efforts which have been made to establish peace with the hostile Indians have hitherto failed to accomplish that desired object. Hoping that the measures still depending may prove more successful than those which have preceded them, we shall nevertheless concur in every necessity; expectation for the alternative; and should the Indians on either side of the Ohio persist in their hostility, fidelity to the Union, as well as affection for our fellow-citizens on the frontiers, will ensure our decided cooperation in every measure which shall be deemed requisite for their protection and safety.

At the same time that we owe the obligation of the Government to afford its protection to every part of the Union, we cannot refrain from expressing our regret that even a small portion of our fellow-citizens, in any quarter of it, should have combined to oppose the operation of the law for the collection of duties on spirits distilled within the United States—a law repeatedly sanctioned by the authority of the nation, and, at this juncture, materially connected with the safety and protection of those who oppose it. Should the means already adopted fail in securing obedience to this law, such further measures as may be thought necessary to carry the same into complete operation cannot fail to receive the approbation of the Legislature, and the support of every patriotic citizen.

It yields as particular pleasure to learn that the productivity of the revenue of the present year will probably supply the additional tax for the service of the next.

The organization of the government of the State of Kentucky being an event peculiarly interesting to a part of our fellow-citizens, and conducive to the general order, affords us particular satisfaction.

We are happy to learn, that the high state of our credit abroad has been evinced by the terms on which the new loans have been negotiated.

In the course of the session we shall proceed to take into consideration the several objects which you have been pleased to recommend to our attention; and, keeping in view the importance of union and stability in the public councils, we shall labor to render our decisions conducive to the safety and happiness of our country.

We repeat, with pleasure, our assurances of confidence in your administration, and our ardent wish that your unabated zeal for the public good may be rewarded by the durable prosperity of the nation, and every ingredient of personal happiness.

JOHN LANGDON.
President pro tempore.

To which the President of the United States made the following reply:

I derive much pleasure, gentlemen, from your very satisfactory address. The renewed assurances of your confidence in my administration, and the expression of your wish for my personal happiness, claim and receive my particular acknowledgments. In my future endeavor for the public welfare, to which my duty may call me, I shall not cease to count upon the firm, enlightened, and patriotic support of the Senate.

GEORGE WASHINGTON.

On Monday, November 13, 1793, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

SIR:

The House of Representatives, who always feel a satisfaction in meeting you, are much concerned, that the occasion for mutual felicitation, afforded by the circumstances favorable to the national prosperity, should be abated by a continuance of the hostile spirit of many of the Indian tribes; and particularly, that the reiterated efforts for effecting a general pacification with them, should have issued in new proofs of their persevering enmity, and barbarous disregard of the rights of citizens, who, as the messengers of peace, were distinguishing themselves by their zeal for the public service. In our deliberations on this important department of our affairs, we shall be disposed to pursue every measure that may be dictated by the sincerest desire, on one hand, of cultivating peace, and manifesting, by every possible indication of our confidence, our ardent regard for the welfare of those misguided people; and by the duty we feel, on the other, to provide effectually for the safety and protection of our fellow-citizens.

While with regret we learn, that symptoms of opposition to the law imposing duties on spirits distilled within the United States have manifested themselves, we reflect with consolation, that they are confined to a small portion of our fellow-citizens. It is not more essential to the preservation of true liberty, that a government should be scrupulously maintained, than that there should be moderation in it's administration, Under this impression, every department of the Government, and all good citizens, must approve the measures taken, and the course pursued, to exalt this part of your trust with firmness and energy; and be assured, sir, of every constitutional aid and co-operation which may become requisite on our part. And we hope that, while the progress of contentment under the law in question is as obvious as it is rational, no particular part of the community may be permitted to withdraw from the general burthens of the country, by a conduct as irreconcilable to national justice, as it is inconsistent with public decency.

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The productive state of the public revenue, and the confirmation of the credit of the United States abroad, evinced by the loans at Antwerp and Amsterdam, are communications the more gratifying; as they enforce the obligation to enter on systematical and effectual arrangements for discharging the public debt, as fast as the conditions of it will permit; and we take pleasure in the opportunity to assure you of our entire concurrence in the opinion, that no measure can be more desirable, whether viewed with an eye to the urgent wish of the community, or the intrinsic importance of promoting so happy a change in our situation.

The adoption of a constitution for the State of Kentucky, is an event, on which we join in all the satisfaction you have expressed. It may be considered as particularly interesting, since, besides the immediate benefits resulting from it, it is another auspicious demonstration of the facility and success with which an enlightened people is capable of providing, by free and deliberate plans of government, for their own safety and happiness.

The operation of the law establishing the post office, as it relates to the transmission of newspapers, will merit our particular inquiry and attention—the circulation of political intelligence, through these vehicles, being justly reckoned among the surest means of preventing the degeneracy of a free government, as well as of recommending every salutary public measure to the confidence and co-operation of all virtuous citizens.

The several other matters which you have communicated and recommended, will, in their order, receive the attention due to them, and our discussions will, in all cases, we trust, be guided by a proper respect for harmony and stability in the public councils, and a desire to conciliate, more and more, the attachment of our constituents to the constitution, by measures accommodated to the true ends for which it was established.

To which the President of the United States made the following reply:

Gentlemen:

It gives me pleasure to express to you the satisfaction which your address affords me. I feel, as I ought, the approbation you manifest of the measures I have taken, and the purpose I have formed, to maintain, pursuant to the trust reposed in me by the constitution, the respect which is due to the laws; and the assurance which you, at the same time, give me, of every support voted and co-operation that may become requisite, on your part.

This is a new proof of that enlightened solicitude for the establishment and confirmation of public order, which, embracing a zealous regard for the principles of true liberty, has guided the deliberations of the House of Representatives—a perseverance in which can alone secure, under the divine blessing, the real and permanent felicity of our common country.

GEO. WASHINGTON.

No. 6.

INAUGURAL SPEECH OF PRESIDENT WASHINGTON,
DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON MONDAY, MARCH 4, 1793.

Fellow-citizens:

I am again called upon, by the voice of my country, to execute the functions of its Chief Magistrate. When the occasion proper for it shall arrive, I shall endeavor to express the high sense I entertain of this distinguished honor, and of the confidence which has been reposed in me by the People of United America.

Previous to the execution of any official act of the President, the constitution requires an oath of office. This oath, I am now about to take, and in your presence; and if it should be found, during my administration of the Government, I have, in any instance, violated willingly or knowingly, the injunction thereof, I may, (besides incurring constitutional punishment) be subject to the upbraiding of all who are now witnesses of the present solemn ceremony.

3d Congress.]  
No 7.  [1st Session.

SPEECH OF PRESIDENT WASHINGTON.
DELIVERED ON TUESDAY, DECEMBER 3, 1793.

Fellow-citizens of the Senate and of the House of Representatives:

Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality with which I have been honored by my country on the other, it could not prevent an earnest wish for that retirement from which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the People, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the Executive power; and I humbly implore that Being, on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties, and assert the privileges, of the United States. These were reduced into a system, which will commu-
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Gentlemen of the Senate and of the House of Representatives:

The several subjects to which I have now referred, open a wide range to your deliberations, and involve some of the most important interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the Government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But, as the legislative proceedings of the United States concern the public welfare, the pride of the nation has the want of temper or of candor, so shall not the public happiness languish from the want of my strenuous and warmest co-operation.

GEO. WASHINGTON.

PHILADELPHIA, December 3, 1793.

On Tuesday, December 10, 1793, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Accept, sir, the thanks of the Senate for your speech delivered to both Houses of Congress at the opening of the session. Your re-election to the chief magistracy of the United States gives us sincere pleasure. We consider it as an event every way propitious to the happiness of our country; and your compliance with the call, as a fresh instance of the patriotism which has so repeatedly led you to sacrifice private inclination to the public good. In the unanimity which a second time marks this important national act, we trace, with particular satisfaction, besides the distinguished tribute paid to the virtues and abilities which it recognizes, another proof of that just discernment, and constancy of sentiments and views, which have hitherto characterized the citizens of the United States.

As the European Powers with whom the United States have the most extensive relations were involved in war, in which we had taken no part, it seemed necessary that the disposition of the nation for peace should be promulgated to the world, as well for the purpose of admonishing our citizens of the consequences of a contraband trade and of acts hostile to any of the belligerent parties, as to obtain, by a declaration of the existing legal state of things, as early an cessation of our right to the immunities of our situation: we therefore contemplate with pleasure the proclamation by you issued, and give it our hearty approbation. We deem it a measure well timed, and wise; manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it.

Your speech in consideration of which the proclamation was issued, in the course of the session, engage all the attention to which they are respectively entitled; and as the public happiness will be the sole guide of our deliberations, we are perfectly assured of receiving your strenuous and most zealous co-operation.

JOHN ADAMS,

Vice President of the United States, and President of the Senate.

To which the President of the United States made the following reply:

Gentlemen:

The pleasure expressed by the Senate on my re-election to the station which I fill, commands my sincere and warmest acknowledgments. If this be an event which promises the smallest addition to the happiness of our country, as it is my duty, so shall it be my study, to realize the expectation.

This is the situation which the proclamation now receives from your House, by completing the proof that this measure is considered as manifesting a vigilant attention to the welfare of the United States, brings with it a peculiar gratification to my mind.

The other important subjects which have been communicated to you, will, I am confident, receive a due discussion; and the result will, I trust, prove fortunate to the United States.

GEO. WASHINGTON.

On Saturday, December 7, 1793, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

Sir:

The Representatives of the People of the United States, in meeting you, for the first time since you have been again called, by an unanimous suffrage, to your present station, find an occasion, which they embrace with no less sincerity than promptitude, for expressing to you their congratulations on so distinguished a testimony of public approbation, and the respect and esteem with which they have participated in this obedience to the voice of your country. It is to virtues which have commanded long and universal reverence, and services from which have flowed great and lasting benefits, that the tribute of praise may be paid, without the reproach of flattery; and it is from the same sources that the fairest anticipations may be derived in favor of the public happiness.

The United States having taken no part in the war which has embraced in Europe the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the magistrate charged with the faithful execution of the law. We accordingly witnessed, with approbation and pleasure, the vigilance with which you have guarded against an interruption of this blessing, by your proclamation, admonishing our citizens of the consequences of illicit or hostile acts towards the belligerent parties; and promoting, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation.

The connexion of the United States with Europe has evidently become extremely interesting. The communications which remain to be exhibited to us, will, no doubt, assist in giving us a fuller view of the subject, and in guiding our deliberations to such results as may conform with the rights and true interests of our country.

A peace with deep respect, that the measures dictated by a love of peace, for obtaining an amicable termination of the afflicting war on our frontiers, have been frustrated; and that a resort to offensive measures should have again become necessary. As the latter, however, must be rendered more satisfactory, in proportion to the solicitude for peace, manifested by the former, it is to be hoped they will be pursued under the better auspices, on that account, and be finally crowned with more happy success.

In relation to the particular tribes of Indians, against whom offensive measures have been prohibited, as well as on all the other important subjects which you have presented to our view, we shall bestow the attention which they claim. We cannot, however, refrain, at this time, from particularly expressing our concurrence in your anxiety for the regular discharge of the public debts, as fast as circumstances and events will permit; and in the policy of removing any impediments that may be found in the way of a faithful representation of public proceedings throughout the United States; being persuaded, with you, that, on no subject, more than the former, can delay be more injurious, or an economy of time more valuable; and that, with respect to the latter, no resource is so firm for the Government of the United States, as the affections of the People, guided by an enlightened policy.

Through our deliberations we shall endeavor to cherish every sentiment which may contribute to rend us conducive to the dignity as well as to the welfare of the United States. And we join with you in imploring that Being, on whose will the fate of nations depends, to crown with success our mutual endeavors.

To which the President of the United States made the following reply:

PRESIDENTS' SPEECHES.
Gentlemen:

I shall not attempt to conceal the cordial satisfaction which I derive from the address of the House of Representatives. Whatever those services may be, which you have sanctioned by your favor, it is a sufficient reward that they have been accepted as they were meant. For the fulfilment of your anticipations of the future, I can give no other assurance than that the motives which you approve shall continue unchanged.

It was necessary, however, that the proclamation be considered as a seasonable guard against the interruption of the public peace. Nor can I doubt, that the subjects which I have recommended to your attention, as depending on legislative provisions, will receive a discussion suited to their importance. With every reason, then, it may be expected that your deliberations, under the Divine blessing, will be matured to the honor and happiness of the United States.

GEO. WASHINGTON.

SPEECH OF PRESIDENT WASHINGTON,
DELIVERED ON WEDNESDAY, NOVEMBER 19, 1794.

Fellow-citizens of the Senate and of the House of Representatives:

When we call to mind the gracious indulgence of Heaven, by which the American People became a nation; when we survey the general prosperity of our country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our Government, and to its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the legislative power, granted by the constitution of the United States, "to lay and collect excises." In a majority of the States, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embroidered by the arifice of men, who labored for an ascendency over the will of others, by the guidance of their passions, produced symptoms of riot and violence. It is well known, that Congress did not hesitate to examine the complaints which were presented; and to relieve them, as far as justice dictated, or general convenience would permit. But, the impression which this moderation made on the discontented, did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief, that, by a more formal concert, their operation might be detached, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived, that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the Government. Legal process was therefore delivered to the marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at his person, and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him, for some time, as a prisoner. He was obliged, by the jealousy of his life, to renounce the service of other persons, on the west side of the Allegheny mountain; and a depredation was afterwards sent to him to demand a surrender of that which he had served. A numerous body repeatedly attacked the house of the inspector, seized his papers of office, and finally destroyed by fire his buildings and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of government—it being avowed, that the motives to such outrages were to compel the resignation of the inspector; to withstand by force of arms the authority of the United States; and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of Government.

Upon the testimony of these facts, an associate justice of the supreme court of the United States notified me that, "in the counties of Washington and Allegheny, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripping of its capacity to enforce the laws; crimes, which reached the very existence of social order, were perpetrated without control; the friends of government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasurable fury of so small a portion of the United States, would be to violate the fundamental principle of our constitution, which enjoins that the will of the majority shall prevail. On the other hand, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense, and other embarrassments, of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field; but I required them to be held in readiness, that, if my anxious endeavors to reclaim the declined, and to convince the malignant of their danger, should be fruitless, military force might be prepared to act, before the season should be too far advanced.

My proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited by the exercise of Executive power, and his earnest wish to avoid a resort to coercion to represent, however, that, without submission, coercion must be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of Executive power. Pardon, too, was tendered to them by the Government of the United States, and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the commissioners marks their firmness and abilities, and must unite all virtuous men, by shewing that the means of conciliation have been exhausted, all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement; and the indications of a peaceful temper were neither sufficiently general nor conclusive to recommend or warrant the farther suspension of the march of the militia.

Thus, the painful alternative could not be discarded. I ordered the militia to march, after once more admonishing the insurgents, in my proclamation of the 30th of September last.
It was a task too difficult to ascertain with precision the lowest degree of force competent to the qualitative of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it was determined that the first line should be as little as possible ascended. But the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quibbles have been assigned of New Jersey, Pennsylvania, Maryland, and Virginia; the Governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other States.

Presidential authority, when called into the actual service of the United States, I have visited the places of general rendezvous, to obtain more exact information, and to direct a plan for ultimate movements. Had there been room for a persuasion, that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the professed terms of amnesty, and may be deemed inhuman example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, will ever receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and home. But, succeeding intelligence has tended to mary the necessity of what has been done: it being now confessed by those, who were not inclined to the contest, that this was a malversation in the formation of the proposed armies to the number of one hundred thousand; but that a spirit, inimical to all order, has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the army, it would not have been withheld. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it not proper to resume my duties at the seat of government, leaving the chief command with the Governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatsoever may be the preface, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others, who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress has determined to end this by that period. Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the inspector of the revenue, but other officers of the United States, in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material losses. I have directed the policy of the Department of revenues to be continued, and no officer or clerk may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the constitution and the laws. The amount, even if all the injured were included, would not be great; and on future enterprises of Government would be more amply recovered by the influence of an example, that he, who incurs a loss in its defence, shall find a recompense in its combinations.

While there is cause to lament that occurrences of this nature should have disgraced the name, or interrupted the tranquillity of our country, or shewn to new application, any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated, that our prosperity rests on solid foundations, by furnishing an additional proof, that my fellow-citizens understand the true principles of government and liberty; that they feel their inseparable union; that, notwithstanding all the devotions and public prayers, they have preserved their interest, and have so far advanced in their character as to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle, displaying to the highest advantage the value of republican government, to behold the most and the least wealthy of our citizens standing in the same ranks, as private soldiers, pre-eminently distinguished by being the defenders of their country; the poor and the humble, the free hunters and the rough mountaineers, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacies and patriotic co-operation which I have experienced from the Chief Magistrates of the States to which my requisitions have been addressed.

To every description, indeed, of citizens, let praise be given. But let them persevere in their affectionate vigilance over that precious depository of American happiness, the constitution of the United States. Let them cherish it, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they will be called to review the past and present, they will find, that which has been, either it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those who raise cannot always appease a civil convulsion, have disseminated, from an ignorance or perseverance, such absurdities, jealousies, and accusations, of the whole Government.

Having so fully satisfied myself, that it was not necessary to maintain the militia for the period to which they were assigned, I have directed them to be disbanded, and that the men be distributed in different parts of the State. To secure the preservation and constitution of the United States, on you, gentlemen, and the people by whom you are deputed, I rely for support.

To exclude the possibleness of a similar contingency will naturally draw your attention, it ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well armed militia would be a genuine source of legislative honor, and a perfect title to public gratitude. I, therefore, entertain a hope, that the present session will not pass, without carrying, to its full energy, the power of organizing, arming, and disciplining, the militia; and thus providing, in the language of the constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire, whether the fortifications, which have been already licensed by law, be commensurate with our exigencies. Upon one occasion, I have been engaged in a general inquiry into the present condition of our defences against the hostile Indians north of the Ohio. From the advices which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And even at this late hour, when our power to punish them cannot be questioned, we shall not be unwilling to cement a lasting peace, upon terms of candor, equity, and good neighborhood.

Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the General Government and that of Georgia. From a desire, also, to avoid the effect of a premature distress of the Public Credit, at a time when the Public Credit is suspended; and an agent is now endeavoring to rectify any misconception into which they may have fallen. But, I cannot refrain from again pressing upon your deliberations the plan which I recommended at the last session, for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of trading houses upon their reservations.

Gentlemen of the House of Representatives.

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources, and to open the way for a definite plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed, whatever is unfurnished of our system of public credit, cannot be benefited by procrastination; and, as far as may be practicable, we ought to place
that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt, which must ultimately endanger a government.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate and of the House of Representatives:

The mint of the United States has entered upon the coinage of the precious metals, and considerable sums of defective coin and bullion have been lodged with the director, by individuals. There is a pleasing prospect that the institution will, at no remote day, realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress; and that you may in no wise be surprised to hear of our policy, in our foreign transactions, has been to cultivate peace with all the world; to observe treaties with pure and absolute faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and, having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of nations to spread his holy protection over these United States; to turn the machinations of the wicked to the confirming of our constitution; to enable us, at all times, to root out internal sedition, and put invasion to flight; to perpetuate the country that prosperity, which his goodness has already conferred; and to verify the anticipations of this government being a safeguard to human rights.

United States, November 19, 1794.

On Saturday, November 22, 1794, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following:

ADDRESS:

Sir: We receive, with pleasure your speech to the two Houses of Congress. In it we perceive renewed proofs of that vigilance and paternal concern for the prosperity, honor, and happiness of our country, which has uniformly distinguished your past administration.

Our anxiety arising from the licentious and open resistance to the laws in the western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the government, proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government; and which, by inspiring delusive hopes of support, have been influential in misleading our fellow-citizens in the scene of insurrection.

At a situation so delicate and important, the lenient and persuasive measures which you adopted, merit and receive our affectionate approbation. These failing to procure their proper effect, and coercion having become inevitable, we have derived the highest satisfaction from the enlightened patriotism and animating zeal with which the citizens of New Jersey, Pennsylvania, Maryland, and Virginia, have rallied around the standard of Government, in opposition toarchy and sedition.

Our warm and cordial acknowledgments are due to you, sir, for the wisdom and decision with which you arrayed the militia to execute the public will; and to them, for the disinterestedness and alacrity with which they obeyed your summons.

The example is precious to the theory of our Government, and confers the brightest honor upon the patriots who have given it.

We shall readily concur in such farther provisions for the security of internal peace and a due obedience to the laws, as the occasion manifestly requires.

The efficient organization of the militia, and a prudent attention to the fortifications of our ports and harbors, are subjects of great national importance, and, together with the other measures you have pleasure to recommend, will receive our deliberate consideration.

The success of the troops under the command of General Wayne, cannot fail to produce essential advantages. The pleasure with which we acknowledge the merits of that gallant general and army, is enhanced by the hope that their victories will lay the foundation of a just and durable peace with the Indian tribes.

At a period when the actions of nations, the temper of the people, the just, and firm policy that you have pursued, in respect to foreign Powers, has been eminently calculated to promote the great and essential interest of our country, and has created the fairest title to the public gratitude and thanks.

JOHN ADAMS.

Vice President of the United States and President of the Senate.

To which the President of the United States made the following reply:

GENTLEMEN:

Among the occasions which have been afforded for expressing my sense of the zealous and steadfast cooperation of the Senate, in the maintenance of government, none has yet occurred more forcibly demanding my unqualified acknowledgments than the present.

Next to the consciousness of upright intentions, it is the highest pleasure to be approved by the enlightened representatives of a free nation. With the satisfaction, therefore, which arises from an unalterable attachment to public order, do I learn that the Senate disapproves those proceedings which would arrogate the direction of our affairs without any degree of authority derived from the People.

It has been more than once the lot of our Government to be thrown into new and delicate situations; and of these, the insurrection has not been the least important. Having been compelled, at length, to lay aside my repugnance to resort to that mode of happiness from being comprehended by your judgment in the necessity of decisive measures, and from the support of my fellow-citizens of the militia, who were the patriotic instruments of that necessity.

With such demonstrations of affection for our constitution; with an adequate organization of the militia; with the establishment of the necessary fortifications; with a continuance of those judicious and spirited exertions which have brought victory to the western army; with a due attention to public credit; and an unalloyed honor towards all nations we may meet, under every assurance of success, our enemies from within and from without.

GEO. WASHINGTON.

On Saturday, November 29, 1794, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following:

ADDRESS:

Sir: The House of Representatives, calling to mind the blessings enjoyed by the People of the United States, and especially the happiness of living under constitutions and laws which rest on their authority alone, could not refrain from putting other emotions than those you have expressed, that any part of our fellow-citizens should have shown themselves capable of an insurrection. And we learn, with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made,
and so far credited, as to foment the flagrant outrage which has been committed on the laws. We feel, with you, the deepest regret at so painful an occurrence in the annals of our country. As men regardful of the tender interests of humanity, we look with grief at scenes which might have stained our land with civil blood. As lovers of public order, we lament that it has suffered so flagrant a violation. As zealous friends of republican government, we deplore every occasion which, in the hands of its enemies, may be turned into a cannon against it.

This aspect of the crisis, however, is happily not the only one which it presents. There is another, which yields all the consolations which you have drawn from it. It has demonstrated to the candid world, as well as to the American People themselves, that the grand body of them, every where, are equally attached to the luminous and vital principle of our constitution, which enjoins that the will of the majority shall prevail; that they understand the indissoluble union between true liberty and regular Government; that they feel their duties no less than they are watchful over their rights; that they will be as ready, at all times, to crush licentiousness, as they have been to defeat usurpation; in a word, that they are capable of carrying into execution that noble plan of self-government which they have chosen, as the guarantee of their own happiness, and the asylum for that of all, from every clime, who may wish to unite their destiny with ours.

These are the just inferences flowing from the prominence with which the sanctions to the standard of the laws has been obeyed, and from the sentiments which have been witnessed, in every description of citizens, in every quarter of the Union. The spectacle, therefore, when viewed in its true light, may well be affirmed to display, in equal lustre, the virtues of the American character, and the value of republican government. All must particularly acknowledge and applaud the patriotism of that portion of citizens who have freely sacrificed every thing less dear than the love of their country to the meritorious task of defending its happiness.

In the part which you have yourself borne through this delicate and distressing period, we trace the additional proofs it has afforded of your solicitude for the public good. Your laudable and successful endeavors to render lenity in extending the laws conducive to their real energy, and to convert tumult into order, without the effusion of blood, form a particular title to the confidence and praise of your constituents. In all that may be found necessary, on our part, to complete this benevolent purpose, and to secure the ministers and friends of the laws against the remains of danger, our due co-operation will be afforded.

The other subjects which you have recommended, or communicated, and of which several are peculiarly interesting, will all receive the attention which they demand. We are deeply impressed with the importance of an effectual organization of the militia. We rejoice at the intelligence of the advance and success of the army under the command of General Wayne, whether we regard it as a proof of the perseverance, prowsess, and superiority, of our troops; or as a presage of that lucky event which our enemies are so anxiously expecting the defeat of some portion of the army, under the command of General Wayne, is regarded by you, no less than myself, as a proof of the perseverance, prowess, and superiority, of our cause.

To which the President of the United States made the following reply:

GENTLEMEN,

I anticipated, with confidence, the concurrence of the House of Representatives in the regret produced by the insurrection. Every effort ought to be used to discomfitness what has contributed to foment it, and thus discourage a repetition of like attempts; for, notwithstanding the consolations which may be drawn from this event, it is far better that the artful approaches to such a situation of things should be checked by the vigilant and duteous conduct of the patriotic citizens, than the evil should increase until it becomes necessary to crush it by the strength of their arm.

I am happy, that the part which I have myself borne on this occasion receives the approbation of your House.

For the discharge of a constitutional duty, it is a sufficient reward to me to be assured that you will unite in commensurate what remains to be done.

I feel, also, great satisfaction in learning that the other subjects which I have communicated or recommended, will meet with due attention; that you are deeply impressed with the importance of an effectual organization of the militia; and that the advance and success of the army under the command of General Wayne is regarded by you, no less than myself, as a proof of the perseverance, prowess, and superiority, of our cause.

GEO. WASHINGTON.

4th Congress.] [1st Session.

SPEECH OF PRESIDENT WASHINGTON,
DELIVERED ON TUESDAY, DECEMBER 8, 1793.

Fellow-citizens of the Senate

and of the House of Representatives:

I trust I do not deceive myself, while I indulge the persuasion that I have never met you at any period, when, more than at the present, the situation of our public affairs has afforded just cause for mutual congratulation, and for inviting you to join with me in profound gratitude to the author of all good for the numerous and extraordinary blessings we enjoy.

The termination of the long, expensive, and distressing war in which we have been engaged with certain Indians northwest of the Ohio, is placed in the option of the United States, by a treaty which the commander of our army has concluded provisionally with the hostile tribes in that region. In the adjustment of the terms, the satisfaction of the Indians was deemed an object worthy of the policy than of the liberty of the United States, as the necessary basis of durable tranquility. This object, it is believed, has been fully attained. The articles agreed upon will immediately be laid before the Senate, for their consideration.

The Creek and Cherokee Indians, who, alone, of the southern tribes, had annexed our frontier, have lately confirmed their pre-existing treaties with us, and were giving evidence of a sincere disposition to carry them into effect, by the surrender of the prisoners and property they had taken. But we have to lament, that the fair prospect in this quarter has been once more clouded by wanton murders, which some citizens of Georgia are represented to have recently perpetrated on hunting parties of the Creeks, which have again subjected that frontier to disquietude and danger, which will be productive of further expense, and may occasion more effusion of blood. Measures are pur-
suins to prevent or mitigate the usual consequences of such outrages, and with the hope of their succeeding, at least to exert general hostility.

A letter from the Emperor of Morocco announces to me his recognition of our treaty made with his father, the late Emperor, and, consequently, that his state will stand in the same relations with this as with the treaties which were received from an agent deputed on our part to Algiers, importing that the terms of a treaty with the Dey and Regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy peace, and the restoration of our unfortunate fellow-citizens from a grievous captivity.

The latter, unfortunately, I fear, has not been the case. I am not prepared to make any public statement of the information that he had received assurances of a speedy and satisfactory conclusion of his negotiations. While the event, depending upon undisputed particulars, cannot be regarded as ascertained, it is agreeable to cherish the expectation of an issue, which, securing amicably very essential interests of our country, will establish the foundation of lasting harmony.

Gentlemen:—

The summary of our affairs, with regard to the foreign Powers between whom and the United States controversies have subsisted; and with regard, also, to those of our Indian neighbors with whom we have been in a state of enmity or misunderstanding; opens a wide field for consoling and gratifying reflections. If, by prudence and moderation on every side, we shall avoid the annoyance of all the away some external discord, which have heretofore menaced our tranquility, on terms compatible with our national rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing, and establishing, the prosperity of our country! Contemplating the internal situation, as well as the external relations, of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependences, have been involved in a contest unusually bloody, exhausting, and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and exposure; in which scarce the blessings of peace and repose are alleged by the sense of heavy and accumulating burdens, which press upon all the departments of industry, and threaten to clog the future springs of Government; our favored country, happy in a striking contrast, has enjoyed general tranquility—a tranquility the more satisfactory from the neutrality which it derives from a state of amity and confidence with all the Powers of the world. While the blessings of peace and repose are enjoyed, the American enjoyments of labor, profit, and the arts of industry, are without parallel; the manufactures, which are often seats of tumult, are filled with labor, profit, and the arts of industry, are without parallel; the manufactures, which are often seats of tumult, are filled with peace and repose are enjoyed, the American enjoyments of labor, profit, and the arts of industry, are without parallel; the manufactures, which are often seats of tumult, are filled with tranquility.

Gentlemen:—

Among the objects which will claim your attention in the course of the session, a review of our military establishment is not the least important. It is called for by the events which have changed, and may be expected still further to change, the relative situation of our frontiers. In this review you will doubly allow due weight to the views of justice, to the security of the nation. The object should be a complete survey of the condition of the army, of the war in Europe is not yet terminated; and that our western posts, when recovered, will demand provision for garrisoning and securing them. A statement of our present military force will be laid before you by the Department of War.

With the review of our army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed, till the greatest attainable perfection shall be accommodated. The consideration of all the advantages for forwarding the object, while none beget it, the perpetuating attention of the public councils.

While we indulge the satisfaction which the actual condition of our western borders so well authorizes, it is necessary that we should not lose sight of an important truth, which continually receives new confirmations, namely, that the provisions hereinafter made with a view to the protection of the Indians from the violations of the laws of their nation, and of the proper relations with us, are insufficient; is insufficient. It is demonstrated that these violations can now be perpetuated with impunity. And it can need no argument to prove that, unless the murderings of Indians can be restrained, by bringing the murderers to just punishment, and the offenders to just punishment, we shall in all probability be driven to a course of force, and that course of force, is the only sure security for the present agreeable prospects insulary. The frequent destruction of innocent women and children, who are chiefly the victims of retaliation, must continue to shock humanity, and an enormous expense to drain the Treasury of the Union.

Gentlemen:—

Among the objects which will claim your attention in the course of the session, a review of our military establishment is not the least important. It is called for by the events which have changed, and may be expected still further to change, the relative situation of our frontiers. In this review you will doubly allow due weight to the views of justice, to the security of the nation. The object should be a complete survey of the condition of the army, of the war in Europe is not yet terminated; and that our western posts, when recovered, will demand provision for garrisoning and securing them. A statement of our present military force will be laid before you by the Department of War.

With the review of our army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed, till the greatest attainable perfection shall be accommodated. The consideration of all the advantages for forwarding the object, while none beget it, the perpetuating attention of the public councils.

While we indulge the satisfaction which the actual condition of our western borders so well authorizes, it is necessary that we should not lose sight of an important truth, which continually receives new confirmations, namely, that the provisions hereinafter made with a view to the protection of the Indians from the violations of the laws of their nation, and of the proper relations with us, are insufficient; is insufficient. It is demonstrated that these violations can now be perpetuated with impunity. And it can need no argument to prove that, unless the murderings of Indians can be restrained, by bringing the murderers to just punishment, and the offenders to just punishment, we shall in all probability be driven to a course of force, and that course of force, is the only sure security for the present agreeable prospects insulary. The frequent destruction of innocent women and children, who are chiefly the victims of retaliation, must continue to shock humanity, and an enormous expense to drain the Treasury of the Union.

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Gentlemen of the Senate and House of Representatives:

The statements which will be laid before you relative to the mint, will show the situation of that institution, and the necessity of some further legislative provisions for carrying the business of it more completely into effect, and for checking abuses which appear to be arising in particular quarters.

The progress in providing materials for the frigates, and in building them; the state of the fortifications of our harbors; the measures which have been pursued for obtaining proper sites for arsenals, and for replenishing our magazines with military stores; and the steps which have been taken towards the execution of the law for opening a trade with the Indians, will likewise be presented for the information of Congress.

Temperate discussion of the important subjects which may arise in the course of the session, and mutual forbearance where there is a difference of opinion, are too obvious and necessary for the peace, happiness, and welfare, of our country, to need any recommendation of mine.

GEO. WASHINGTON.

United States, December 8, 1795.

On Saturday, December 12, 1795, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following

ADDRESS:

SIR: It is with peculiar satisfaction that we are informed by your speech to the two Houses of Congress, that the long and expensive war in which we have been engaged with the Indians northwest of the Ohio is in a situation to be finally terminated; and though we view with concern the danger of an interruption of the peace so recently confirmed with the Creeks, we indulge the hope that the measures that you have adopted to prevent the same, if followed by those legislative provisions that justice and humanity equally demand, will succeed in laying the foundation of a lasting peace with the Indian tribes on the southern as well as on the western frontiers.

The conclusion of our treaty with Morocco, and the adjustment of a treaty of peace with Algiers, in consequence of which our captive fellow-citizens shall be delivered from slavery, are events that will prove no less interesting to the public humanity, than they will be important in extending and securing the navigation and commerce of our country.

As a just and equitable conclusion of our depending negotiations with Spain will essentially advance the interest of both nations, and thereby cherish and confirm the good understanding and friendship which we have at all times desired to maintain, it will afford us real pleasure to receive an early confirmation of our expectations on this subject.

The interesting prospect of our affairs, with regard to the foreign Powers between whom and the United States controversies have subsisted, is not more satisfactory than the review of our internal situation. If from the former we derive an expectation of the extinguishment of all the causes of external discord that have heretofore endangered our tranquillity, in terms consistent with our national honor and safety, in the latter we discover those numerous and wide spreads of prosperity, which, in single or a manner, do not prove our happy country.

Circumstances thus every way auspicious, demand our gratitude and sincere acknowledgments to Almighty God, and require that we should unite our efforts in imitation of your enlightened, firm, and persevering example, to establish and preserve the peace, freedom, and prosperity, of our country.

The objects which you have recommended to the notice of the Legislature, will, in the course of the session, receive our careful attention; and, with a true zeal for the public welfare, we shall cheerfully co-operate in every measure that shall appear to us best calculated to promote the same.

JOHN ADAMS.

Vice President of the United States and President of the Senate.

To which the President of the United States made the following reply:

Gentlemen:

With real pleasure I receive your address, recognizing the prosperous situation of our public affairs, and giving assurances of your careful attention to the objects demanding legislative consideration; and that, with a true zeal for the public welfare, you will cheerfully co-operate in every measure which shall appear to you best calculated to promote the same.

But I derive peculiar satisfaction from your concurrence with me in the expressions of gratitude to Almighty God, which arise from the auspicious circumstances that distinguish our happy country have existed; and I trust that the sincerity of our acknowledgments will be evidenced by a union of efforts to establish and preserve its peace, freedom, and prosperity.

GEO. WASHINGTON.

On Thursday, December 17, 1795, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

To the President of the United States:

SIR: As the Representatives of the People of the United States, we cannot but participate in the strongest sensibility in every blessing which they enjoy; and cheerfully join with you in profound gratitude to the author of all good, for the numerous and extraordinary blessings which he has conferred on our favored country.

A final and formal termination of the distressing war which has ravaged our northernwestern frontier, will be an event which must afford a satisfaction proportionate to the anxiety with which it has long been sought; and in the admission of the terms, we are satisfied that they will, on the whole, be satisfactory to the Indians as well as to the United States, as the best basis of a durable tranquillity. The disposition of such of the southern tribes as had, also, heretofore annoyed our frontier, is another prospect in our situation, so important to the interest and happiness of the United States, that it is much to be lamented that any clouds should be thrown over it, more especially by excesses on the part of our own citizens.

While our population is advancing with a celerity which exceeds the most sanguine calculations; while every part of the United States displays indications of rapid and various improvement; while we are in the enjoyment of protection and security, by mild and wholesome laws, administered by governments founded on the genuine principles of rational liberty; a secure foundation will be laid for accelerating, maturing, and establishing, the prosperity of our country, if, by treaty and amicable negotiation, all those causes of external discord which heretofore marred our peace shall be excluded, on terms compatible with our national rights and honor, and with our constitution and great commercial interests.

Among the various circumstances in our internal situation, none can be viewed with more satisfaction and exultation, than that the late scene of disorder and insurrection has been completely restored to the enjoyment of order and repose. Such a triumph of reason and of law is worthy of the free government under which it happened, and was justly to be hoped from the enlightened and patriotic spirit which pervades and actuates the People of the United States.

In contemplating that spectacle of national happiness which our country exhibits, and of which you, sir, have been pleased to make an interesting summary, permit us to acknowledge and declare the very great share which your
zealous and faithful services have contributed to it, and to express the affectionate attachment which we feel for your character.

The several interesting subjects which you recommend to our consideration, will receive every degree of attention which is due to them. And whilst we feel the obligation to temperance and mutual indulgence in all our discussions, we trust and pray that the result to the happiness and welfare of our country may correspond with the pure affection we bear to it.

To which the President of the United States made the following reply:

GENTLEMEN:

Coming, as you do, from all parts of the United States, I receive great satisfaction from the concurrence of your testimony in the justness of the interesting summary of our national happiness, which, as the result of my inquiries, I presented to your view. The sentiments we have mutually expressed, of profound gratitude to the source of these blessings, and our wishes that they may long continue, are pledges of our obligations to unite our sincere and zealous endeavors, as the instruments of Divine Providence, to preserve and perpetuate them.

Accept, gentlemen, my thanks for your declaration, that to my agency you ascribe the enjoyment of a great share of these benefits. So far as my services contribute to the happiness of my country, the acknowledgment thereof by my fellow citizens, and their affectionate attachment, will ever prove an abundant reward.

GEO. WASHINGTON.

4th Congress.

No. 10. [2d Session.]

SPEECH OF PRESIDENT WASHINGTON.

Delivered on Wednesday, December 7, 1796.

Fellow-citizens of the Senate
and of the House of Representatives:

In recurring to the internal situation of our country, since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the Universe, which a continued series of prosperity has so often and so justly called forth.

The acts of the last session, which required special arrangements, have been, as far as circumstances would admit, uniformly successful.

Measures calculated to ensure a continuance of the friendship of the Indians, and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these, care has been taken to guard, on the one hand, our advanced settlements from the predatory incursions of those unruly individuals who cannot be restrained by their tribes; and on the other hand to protect the rights secured to the Indians by treaty; to draw them nearer to the civilized state; and inspire them with correct conceptions of the power as well as justice of the Government.

The meeting of the deputies from the Creek nation at Colerain, in the State of Georgia, which had for a principal object the purchase of a parcel of their land by that State, broke up without its being accomplished—the nation having, previous to their departure, instructed them against making any sale; the occasion, however, has been improved, to confirm, by a new treaty with the Creeks, their pre-existing engagements with the United States, and to obtain their consent to the establishment of trading houses and military posts within their boundary; by means of which, their friendship, and the general peace, may be more effectually secured.

The period during the late session at which the appropriation was passed for carrying into effect the treaty of amity, commerce, and navigation, between the United States and his Britannic Majesty, necessarily prevented the reception of the posts stipulated to be delivered, beyond the date of the Act of Congress. As soon however, as the Governor General of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation, and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michillimakinac, and Fort Miami, where such repairs and additions have been ordered to be made, as appeared indispensable.

The Commissioners appointed on the part of the United States and of Great Britain, to determine which is the river St. Croix, mentioned in the treaty of peace of 1783, agreed in the choice of Robert Benson, Esq. of New York, for the third commissioner. The whole met at St. Andrew's, in Passamaquoddy, Bay, in the beginning of October, and directed surveys to be made of the rivers in dispute; but, deeming it impracticable to have these surveys completed before the next year, they adjourned, to meet at Boston, in August, 1796, for the final decision of the question.

Other commissioners, appointed on the part of the United States, agreeably to the seventh article of the treaty with Great Britain, relative to captures and condemnation of vessels and other property, met the commissioners of his Britannic Majesty, in London, in August last; when John Trumbull, Esq. was chosen by lot, for the fifth commissioner. In October following the Board were to proceed to business. As yet, there has been no communication of the object of Great Britain, to unite with those who have been appointed on the part of the United States, for carrying into effect the sixth article of the treaty.

The treaty with Spain required that the commissioners for running the boundary line between the territory of the United States and his Catholic Majesty's provinces of East and West Florida should meet at the Natchez before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez on the twenty-fifth day of April; and the troops of his Catholic Majesty occupying any posts within the limits of the United States, were, within the same period, to be withdrawn. The commissioner of the United States, therefore, commenced his journey for the Natchez in September; a small troops were ordered to occupy the posts from which the Spanish garrisons should be withdrawn. Information has been recently received of the appointment of a commissioner on the part of his Catholic Majesty, for running the boundary line; but none of any appointment for the adjustment of the claims of our citizens whose vessels were captured by the armed vessels of Spain.

In pursuance of the act of Congress passed in the last session, for the protection and relief of American seamen, agents were appointed, one to reside in Great Britain, and the other in the West Indies. The effects of the agency in the West Indies are not yet fully ascertained, but those which have been communicated afford grounds to believe the measure will be beneficial. The agent destined to reside in Great Britain declining to accept the appointment, the business has consequently devolved on the Minister of the United States in London, and will command his attention until a new agent shall be appointed.

After many delays and disappointments, arising out of the European war, the final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers, will, in all present appearance, be crowned with success; but under great, though inevitable disadvantages, in the pecuniary transactions, occasioned by that war, which will
render a further provision necessary. The actual liberation of all our citizens who were prisoners in Algiers, while it gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negotiation. Measures are in operation for effecting treaties with the Regencies of Tunis and Tripoli.

The maintenance of a naval force is indispensably necessary. This is manifest with regard to wars in which a State is itself a party. But besides this, it is in our own experience, that the most salutary

uncertainties the state has ever been exposed to, is the sense of security which knowledge of military power gives. The same is true of the commercial and political interests of a free country.

In proportion as nations advance in population and other circumstances of prosperity and reputation, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions of this description, for the purpose of promoting it, growing up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of Boards, composed of proper characters, charged with collecting and diffusing information, and enabled, by premiums and small pecuniary aids, to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results every where of individual skill and observation, and spreading the advantage over the whole nation. Experience accordingly has shown, that they are very cheap instruments of immense national benefits.

I have heretofore proposed to the consideration of Congress, the expedience of establishing a national university, and also a military academy. The desirableness of both these institutions has so constantly increased with every new view I have taken of the subject, that I cannot omit the opportunity of once for all recalling your attention to them.

The assembly to which I address myself, is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation. True it is, that our country, much to its honor, is a nation of peaceful citizens, highly beneficial and as useful to the funds upon which the resources of the country are, ought to be in the care of preserving and transmitting, by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will shew that the art of war is at once comprehensive and complicated; that it demands much previous study; and that the possession of a competent state of knowledge in it is indispensable to the existence of a prosperous and independent nation. This, therefore, ought, to be a serious care of every government; and for this purpose an academy, where a regular course of instruction is given, is an obvious expedient, which different nations have successfully employed.

The establishment of a military academy is also recommended by cogent reasons. However pale the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first who can make the energy of its character, and both would hazard its safety, or expose it to greater evils when war could not be avoided. Besides, that war might often not depend upon its own choice. In proportion as the conscience of pacific maxims might extend a nation from the necessity of practising the rules of the military art, ought to be in the care of preserving and transmitting, by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will shew that the art of war is at once comprehensive and complicated; that it demands much previous study; and that the possession of a competent state of knowledge in it is indispensable to the existence of a prosperous and independent nation. This, therefore, ought, to be a serious care of every government; and for this purpose an academy, where a regular course of instruction is given, is an obvious expedient, which different nations have successfully employed.

To an active commercial people, the protection of its mercantile marine is an indispensable object. The resources of a nation are, in various instances, and in none more than in respect to the most important stations, appear to call for legislative revision. The consequences of a defective provision are of serious import to the Government. If private wealth is to supply the defect of public retribution, it will greatly contract the sphere within which the selection of character for office is made, and, in an equal degree, diminish the probability of a choice of men able as well as upright. Besides, that it would be repugnant to the vital principles of our Government, virtually to exclude from public trusts, talents and virtue, unless accompanied by wealth.

While, in our external relations, some serious inconveniences and embarrassments have been overcome, and others lesseined, it is with much pain and deep regret I mention, that circumstances of a very unwellome nature have lately occurred. Our trade has suffered, and is suffering, extensive injuries in the West Indies, from the cruisers and corsairs of the French republic; and communications have been received from them amounting to the danger of personal appliances by the authority, and which are, in other respects, far from agreeable.

It has been my constant, sincere, and earnest wish, in conformity with that of our nation, to maintain cordial harmony with the French republic; but it remains uncertain whether any future measures may enable us to pursue that object with safety. It is thus severe in the endeavor to fulfil it, to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and interests of our country; nor will I easily cease to cherish the expectation, that a spirit of justice, candor, and friendship, on the part of the republic, will eventually ensure success.
In pursuing this course, however, I cannot forget what is due to the character of our government and nation; or to a full and entire concurrence in the good sense, patriotism, self-respect, and fortune, of my countrymen. I reserve for a special message a more particular communication on this interesting subject.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations, necessary for the service of the ensuing year, to be submitted from the proper department; with a view of the public receipts and expenditures to the latest period to which an account may be preserved.

It is with satisfaction I am able to inform you, that the revenues of the United States continue in a state of progressive improvement.

A statement of the existing provisions for discharging our public debt was mentioned in my address at the opening of the last session. Some preliminary steps were taken towards it, the maturing of which will, no doubt, engage your zealous attention during the present. I will only add, that it will afford me a heartfelt satisfaction to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Publicly, it would be a cause to regret, if, from any motive, intervals of tranquillity are left unimproved for accelerating this valuable end.

Gentlemen of the Senate and of the House of Representatives:

My solicitude to see the militia of the United States placed on an efficient establishment, has been so often and so ardently expressed, that I shall but barely recall the subject to your mind on the present occasion, at the same time that I shall submit to your inquiry, whether our harbors are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the Representatives of the People of the United States, naturally recalls the period when the administration of the present form of government commenced; and I am filled with the sentiment, that the last exertions of the executive power, will, if, in the midst of our present embarrassments, it may be said, our last effort, that effect may be given to the idea, that the People are the inveterate friends of their Country.

We observe, with pleasure, that the delivery of the military posts, lately occupied by the British forces, within the territory of the United States, was made with cordiality and promptitude, as soon as circumstances would admit; and that the other provisions of our treaties with Great Britain and Spain, that were objects of eventual arrangement, are immediately carried into effect, with entire harmony and good faith.

The unfortunate but unavoidable difficulties that opposed a timely compliance with the terms of the Algierine treaty, are much to be lamented; as they may occasion a temporary suspension of the advantages to be derived from a solid peace with that Power, and a perfect security from its predatory warfare; at the same time, the lively impression that affected the public mind on the reception, of our captive fellow-citizens, afford the most laudable incentive to our exertions to remove the remaining obstacles.

We perfectly coincide with you in opinion, that the importance of our commerce demands a naval force for its protection against foreign insult and depredation, and our solicitude to attain that object will be always proportionate to its magnitude.

The necessity of accelerating the establishment of certain useful manufactories, by the intervention of legislative aid and protection, and the encouragement due to agriculture by the creation of Boards, (composed of intelligent individuals) to patronize this primary pursuit of society, are subjects which will readily engage our most serious attention.

A national university may be converted to the most useful purposes: the science of legislation being so essentially dependent on the endowments of the mind, the public interest must receive effectual aid from the general diffusion of knowledge; and the United States will assume a more dignified station among the nations of the earth, by the successful cultivation of the higher branches of literature.

A military academy may be likewise rendered equally important. To aid and direct the physical force of the nation, by cherishing a military spirit, enforcing a proper sense of discipline, and inculcating a scientific system of tactics, is consonant to the soundest maxims of public policy. Connected with, and supported by, such an establishment, a well regulated militia, constituting the natural defence of the country, would prove the most effectual, and the most economical, preservative of peace.

We cannot but consider, with serious apprehensions, the inadequate compensations of the public officers, especially of those in the more important stations. It is not only a violation of the spirit of a public contract, but an evil so extensive in its operation, and so destructive in its consequences, that we trust it will receive the most pointed legislative attention.

We sincerely lament, that, whilst the conduct of the United States has been uniformly impressed with the character of equity, moderation, and love of peace, in the maintenance of all their foreign relationships, our trade should be so harassed by the cruisers and agents of the republic of France, throughout the extensive departments of the West Indies.

Whilst we are confident that no cause of complaint exists that could authorize an interposition of our tranquillity, or disoblige of that republic from the bonds of amity, cemented by the faith of treaties, we cannot but express our deepest regrets that official communications to that nation, have been made known to the world, to the manifest injury of our mutual commerce. Although we cherish the expectation that a sense of justice, and a consideration of our mutual interests, will moderate their councils, we are not unmindful of the situation in which events may place us, nor unprepared to adopt that system of conduct, which, compatible with the dignity of a respectable nation, necessarily must compell us to pursue.

We cordially acquiesce in the reflection, that the United States, under the operation of the Federal Government, have not only secured and extended a most advantageous, and prosperous, as well political as commercial.

Whilst contemplating the causes that produce this auspicious result, we must acknowledge the excellence of the constitutional system, and the wisdom of the legislative provisions; but we should be deficient in gratitude and justice, did we not attribute a great portion of these advantages to the virtues, firmness, and talents, of your administration; which have been consistently displayed in the most trying times, and on the most critical occasions. It is, therefore, with the sincerest regret that we now receive an official notification of your intentions to retire from the public employments of your country.
When we review the various scenes of your public life, so long and so successfully devoted to the most arduous services, civil and military, as well during the struggles of the American Revolution, as the convulsive periods of a country, we cannot lose the opportunity of expressing our warmest affections and most anxious regards of accompanying you, and without mingling with our fellow-citizens at large in the sincerest wishes for your personal happiness that sensibility and attachment can express.

The most effectual consolation that the influence of your example will extend to your successors, and the United States thus continue to enjoy an able, upright, and energetic administration.

JOHN ADAMS.

Vice President of the United States and President of the Senate.

To which the President of the United States made the following reply:

GENTLEMEN:

It affords me great satisfaction to find in your address a concurrence in sentiment with me on the various topics which I presented for your information and deliberation; and that the latter will receive from you an attention proportioned to their respective importance.

When contemplating the period of my retirement, I saw virtuous and enlightened men, among whom I relied on the discernment and patriotism of my fellow-citizens to make the proper choice of a successor—men who would require no influential example to ensure to the United States "an able, upright, and energetic administration." To such men I shall cheerfully yield the palm of genius and talents to serve our common country; but, at the same time, I hope I may be indulged in expressing the consoling reflection, (which consciousness suggests,) and to hear it with me to my grave, that none can serve it with purer intentions than I have done, or with a more disinterested zeal.

GEO. WASHINGTON.

On Friday, December 16, 1796, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

Sir:—The House of Representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject and a sense of duty can inspire.

We are gratified by the information that measures calculated to ensure a continuance of the friendship of the Indians, and to maintain the tranquillity of the western frontier, have been adopted; and we indulge the hope that these, by establishing the rectitude of the policy which has been pursued towards these tribes with more correct conceptions of the justice as well as power of the United States, will be attended with success.

While we notice, with satisfaction, the steps that you have taken, in pursuance of the late treaties with several foreign nations, the liberations of our prisoners of war, and a friendly correspondence with them, we also hail with approbation, and can in any further measures that shall appear, on consideration, to be requisite.

We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate; and it is, of course, with anxiety and deep regret we hear that any interruption of our harmony with the French Republic has occurred: for we feel, with you, and with our constituents, the cordial and unalloyed wish to maintain a perfectly friendly understanding with that nation. Your endeavors to fulfill that wish, and by all honorable means to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between the French Republic and the United States, cannot fail, therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect, and fortitude, of our countrymen; we cherish the pleasing hope, that a mutual spirit of justice and moderation will ensure the success of your perseverance.

The various subjects of your communication will respectively meet with the attention that is due to their importance.

When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the present period with that immediately antecedent to the operation of the Government, and to contrast it with the feelings with which the state of war still involves several of the European nations; as the reflections deduced from both tend to justify as well as to excite a warmer admiration of our free constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God, for the beneficence of his providence by which its administration has been hitherto so remarkably distinguished.

And while we entertain a grateful conviction, that "modesty, firm, and patriotic administration, has been signally conducive to the success of the present form of government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

As no other suitable occasion may occur, we cannot suffer the present to pass, without attempting to disclose some of the emotions which it cannot fail to awaken.

The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the Revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted, reluctantly, a second time, the retreat you had chosen, and first accepted the Presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the patriotism and success which have characterized your administration. As the grateful confidence of the citizens in the virtues of their Chief Magistrate, has essentially contributed to that success, we forbear to express ourselves that the millions whom we represent participate with us in the anxious solicitude of the present occasion.

Yet we cannot be unmindful, that your moderation and magnanimity, twice displayed, by retiring from your exalted station to one of private life, nor are we so insensible as not to cherish that the events of the present period, of which we have been public witnesses, will fail to bestride the world as a monument of honor.

Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success, and public estimation; yet we conceive we owe it to you, sir, and still more emphatically to ourselves and to our nation, (of the language of whose hearts we presume to think ourselves, at this moment, the faithful interpreters,) to express the sentiments with which it is contemplated.

The spectacle of a free and enlightened nation offering, by its Representatives, the tribute of unfeigned approbation to its first citizen, however novel and interesting it may be, derives all its lustre (a lustre which accident or enthusiasm could not equal, and which adulation would tarnish,) from the transcendent merit of which it is the voluntary testimony.

May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear. May your own virtues, and a nation's prayers, obtain the happiest sunshine for the decline of your days, and the choicest of the pleasures of an easier period. We are, sir, the vehicles of respect and admiration, to which it is our earnest wish that your example may be the guide of your successors; and thus, after being the ornament and safeguard of the present age, become the patrony of our descendants.
To which the President of the United States made the following reply:

Gentlemen:

To a citizen whose views were unambitious; who preferred the shade and tranquillity of private life to the splendor and solicitude of elevated stations; and whom the voice of duty and his country could alone have drawn from his chosen retreat; no reward for his public services can be so grateful as public approbation, accompanied by a consciousness, that, to render those services useful to that country, has been his single aim. And when this approbation is expressed by the Representatives of a free and enlightened nation, the reward will admit of no addition. For, in this instance, my sincere and affectionate thanks for this signal testimony that my services have been acceptable and useful to my country, and which animated all my actions, ensured their zealous co-operation, which rendered those services successful. The virtue and wisdom of my successors, joined with the patriotism and intelligence of the citizens who compose the other branches of Government, I firmly trust will lead them to the honorable purposes, which, to the happiness of the Republic, will give stability to our system of government, add to its success, and secure to ourselves and to posterity that liberty which is to all of us so dear.

I acknowledge with pleasure the sincere and uniform disposition of the House of Representatives to preserve our neutral relations inviolate, and with them deeply regret any degree of interruption of our good understanding with the French republic, I beg you, gentlemen, to rest assured, that my endeavors will be earnest and unceasing, by all honorable means, to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between our two countries. I could not cherish the pleasing hope, that a mutual spirit of justice and moderation will crown those endeavors with success.

I shall cheerfully concur in the beneficial measures which your deliberations shall mature on the various subjects demanding your attention. And, while directing your labors to advance the real interests of our country, you receive its blessings, with perfect sincerity my individual wishes will be offered for your present and future felicity.

GEO. WASHINGTON.

No. 11. FAREWELL ADDRESS OF PRESIDENT WASHINGTON TO THE PEOPLE OF THE UNITED STATES. 

Friends and Fellow-citizens:

The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of your sentiments, should you wish to terminate the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped, that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last visitation, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions contributed towards the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffusion of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have therein enjoyed of manifesting my invariable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism; the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of his beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the People of these States, under the auspices of liberty, may be made complete, by so careful a guard upon the use of this blessing, as will accredit to them the glory of recommending it to the applause, the affection, and the adoption, of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop: but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings
FAREWELL ADDRESS.

of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to you, my indulgent reception of my sentiments on a former and not dissimilar occasion.

Intervened as it is, the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify them against the attachment.

The government, which constitutes you one people, is also now dear to you. It is justly so: for it is a main pillar in the edifice of your real independence; the support of your tranquillity; at home; your peace abroad; of your security against foreign attack; and of your ease from domestic calamities.

Your government is derived from the centre, the principal point of force, of the country. It is free from the checks, the distractions, the inequalities, and the partial interests, which result from different causes and from different quarters; much pains will be taken, many artifices employed, to weaken, in your minds, the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed. It is the place of the union, where your national strength is concentrated; of the vigour 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 defence, in your political and moral stations; and, in the last analysis, defending it, if necessary, by the sacrifice of everything, even your own lives.

The government of the United States, under the Constitution, is national in capacity, but local in situation and application. A strong federal government will not be necessary for the defense of the one. A wise and frugal government is one which, by enlarging and amalgamating the people is one that will as little as possible interrupt the operations of the people, and of the different parts of it, in the pursuit of its local interests and happiness. A wise and frugal government will, in all cases, be in the general interest of the people. It will be in their political, social, and domestic concerns. In its construction, its administration, and its policy, it will be for the general welfare; and, in its executive and legislative departments, it will be for the general good.
However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men and factious party spirit, will, and so indirectly, the reins of government; destroying, afterwards, the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that your magnificence institute regular controls, to acknowledge authority, but also that you rear-upon the spirit of innovation upon its principles, however moderate the innovations, the greatest part of the evils which may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions. The continued pressure of the same experiments and alterations is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypotheses and opinion and remembering, especially, that, for the efficient management of your common interests, and to maintain a government of sound and solid reason, a certain degree of security of liberty, is indispensable. Liberty itself will find, in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the pressure of the spontaneous and uncontrolled wills, and disobedience to the law is not prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you, the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, to expect the chearful, the share to ascend, and the surest of every part not trace the spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result from the unceasing and violent struggles of parties, and from their frequent and insatiable clamours for power, have often been as fatal to the public good as any of the dangers against which they were intended to guard. They have been as frequently the sources of repeated injuries and bloody conflicts, which have lasted up to the latest period of history, and have often endeared them to the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

It is not, indeed, of this kind, (which, in the extremity, ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to disturb the public councils and enfeeble the public administration. It agitates the community, produces discontents, and.Authorization to the thraldom of party passions. It spoils public affairs; and often removes an honest and a capable man from the public for the public good.

It is equally useful, that, in an union, that parties, in free countries, are useful checks upon the administration of the government, and to serve keep alive the spirit of liberty. This, within certain limits, is probably true; and, in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there be constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands a uniform vigi lance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon the legitimate jurisdiction of another. What is unwarranted by the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and propensity to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks on the exercise of political power, by dividing its several functions among the respective departments, and giving to some authority the power to lay a restraint on the activity of the others, has been evinced by experiments ancient and modern; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution of power is not equalized, and if a concentration of all powers in the same department will, in the opinion of the people, create a real danger to their rights, it is their duty to insist in equal distribution of power, by giving an equal influence in the way the constitution designates. But let there be no change by usurpation: for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The preceding must always greatly overbalance, in permanent evil, any partial or transient benefit which might otherwise be received by yielding to it.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who shall labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought not to expect nor accept the thanks of public gratitude. Let it simply be asked, where is the security for property, for reputation, for life, if, in the sense of religious duty desert the oath, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be strengthened, without being improved, that virtue be more highly respected, without increasing its practice. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both, forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends to all the public and private transactions of a free government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense, by cultivate peace, but remembering also that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthe of present expenses at the price of a afterwards not immediately apparent, but which in the end would be found necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that, towards the payment of debts, there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that it is only by a selfish policy that a government can dispense with the favor of the people, from the protection of the proper objects, (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things,
The fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! Is it rendered impossible by its vicissitudes?

In the execution of such a plan, nothing is more essential than that permanent invertebrate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or a habitual fondness, is in that condition which commands danger from its passions, and invites ridicule from its enemies. It is a slave to its animosity or to its affections, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of unobservable, and to be hasty and intractable, when accidental or trivial occasions of dispute occur. Hence frequent collisions; obstinate, envenomed, and bloody contests. By this means, sound principles are to be lost in the heat of passion; and the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace, often, sometimes, is purchased at the exorbitant price of an unjust and pernicious	

So, likewise, a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusory of an imaginary common interest, in cases where no real common interest exists, and reasoning on paper instead of facts, we mix up different interests under the denomination of one, as if the心目 mothers of the same family. The nation proper is thus led to declare war in a foreign cause, to lay hold of a foreign contest, as an opportunity to establish trade, to molest foreign parts, with the Double, without adequate indemnification or satisfaction. It leads also to concessions to the favorite nation of privileges denied to others, which is apt chiefly to injure the nation making the concessions; unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the party from whom equal privileges are withheld; and it gives to ambitions, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity; gliding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a deep sense of public good, public spirit, or public honor, but from the appearance of such, to the reality of the opposite.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the art of seduction, to mislead public opinion, to influence or even to secure the public councils! Such an attachment chiefly to one foreign power, gives it an undoubted opportunity ofום her influence, as if it were the equal of one nation, by giving it a part of the combinations and collisions of her friendships or enmities.

Our detached and distant situation invites, and enables us to pursue, a different course. If we remain one people, united under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may dare to enlarge our sphere of commerce, without the fear of danger to our safety. If we too long delay, we shall have the situation of Europe, a nation of great men, will not long remain a nation of men great in the world.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow-citizens) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy as is to be used with circumspection and wisdom; for let us not be overawed, let us not be afraid to take those measures which are necessary for our safety.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be full

with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us, and an act of的战略, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites, and enables us to pursue, a different course. If we remain one people, united under an efficient government, the period is not far off when we may defy material injury from external annoyance. If we do not long delay, we shall have the situation of Europe, a nation of great men, will not long remain a nation of men great in the world. I hold the maximum no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Why forego the advantages of so peculiar a situation? Why quit our own ground, to entangle ourselves in the meshes of European ambition, rivalship, interest, honor, or caprice?

Is our true policy, to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as was compatible with our safety, to have avoided well-advis'd combinations for preserving the commerce of all nations: I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Why, in pursuing our destiny with that firmness, and address, which our country demands, can we fail to obtain and to enjoy an universal friendship which we have a natural right to expect?
The duty of holding a neutral conduct must be inferred, without any more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The independence of interest, for observing that conduct, will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions; and to progress, without interruption, to that degree of strength and consistency, which is necessary to preserve, to the country, the amity of nations and its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of its defects, not to think it probable that I have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I said at the commencement of my official career, that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

The business in this and in other things, and actuated by that fervent love towards it which is so natural to a man, who views in it the native soil of his own progenitors for several generations; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorable object of my heart; and the happy reward, as I trust, of our mutual cares, labors, and hopes.

GEO. WASHINGTON.

UNITED STATES, 17th September, 1796.

IN AUGURAL SPEECH OF PRESIDENT JOHN ADAMS,
DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON SATURDAY, THE 4TH OF MARCH, 1797.

When it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims; men of reflection were less apprehensive of danger, from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions, which would certainly arise, concerning the forms of government to be instituted, over the whole, and over the parts of this extensive country. During, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the People, under an over-ruuling Providence, which had so signalized protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut the country was molded into an instrument, which has since been refined, and polished into an object for the highest amity of humans.

The zeal and ardent of the People, during the Revolutionary war, supplying the place of government, commanded a degree of order, sufficient at least for the temporary preservation of society. The Confederation, which was early felt to be necessary, was formed by the leaders of the American and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some, who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in States, soon appeared, with their melancholy consequences—universal languor; jealousies; rivalries of States; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit of foreign nations; and, at length, in discontents, anomie, combinations, partial conventions, and insurrection; threatening some great national calamity.

In this dangerous crisis the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

Employed in the service of my country abroad, during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation, and relations of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage in common with my fellow-citizens, in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it, on all occasions, in public and in private. It was not then, nor has been since, any objection to it, that the Executive and Senate were not elected by the people. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State Legislatures, according to the constitution itself, adopt and ordain.

In the bosom of my country, after a painful separation from it, for ten years, I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equaled the most sanguine expectations of its friends; and, from the habitual attention to it, satisfaction in its administration, and delight in its effects, upon the peace, order, prosperity, and happiness, of the nation, I have acquired a habitual attachment to it, and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love? There may be little solidity in an ancient idea, that congregations of men into cities and nations, are the most pleasing records of the sight of superior intelligences; but this is very certain, that, to a benevolent human mind, there can be no spectacle presented by any nation, more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress; of a government, in which the Executive authority, as well as the Senate, which is the Administration of the House of Representatives, is elected by the States, selected at regular periods by their electors, to make and execute laws for the general good. Can any thing essential, any thing more than mere ornament and decoration, be added to this by robes or diamonds? Can authority be more amiable or respectable, when it descends from accidents or institutions established in remote antiquity, than when it springs fresh from the power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours, for any length of time, is a full proof of a general dissemi-
nation of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfriendly to ourselves if we should ever lose sight of the danger to our liberties, if any thing partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority, or a single vote, and not be influenced by a party, through artifice or corruption, the government may be the choice of a party, for its own ends—not of the nation, for the national good. If that solitary suffrage can be obtained by foreign nations, by flattery or menaces by fraud or violence; by terror, intrigue, or venality; the government may not be the choice of the American People, but of foreign nations.

And candid men will acknowledge, that, in such cases, choice would have little advantage to boast of, over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the People of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations, for eight years; under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude—conducting a people, inspired with the same virtues, and animated with the same ardent patriotic zeal; the spirit of friendship for those peaceable nations of the earth, which, by the grace of Providence, have enjoyed their ameliorated prosperity—has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing; and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives a bulwark, against all open or secret enemies of his country's peace and safety.

This example has been recommended to the imitation of his successors, by both Houses of Congress, and by the voice of the Legislatures and the People, throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but, as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that, if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the People, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual States, and a fidelity towards the State Governments; if an equal and impartial regard to the rights, interests, honor, and happiness, of all the States in the Union, without preference or regard to a northern or southern, an eastern or western position, their various political opinions on unessential points, or their personal attachments; if a love of virtuous men of all parties and constitutions; if a love of science and letters; and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion, among all classes of the people—not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity towards the debtors of the nation of America; and a disposition to ameliorate their condition, by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith, with all nations, and that system of neutrality and impartiality among the belligerent Powers of Europe, which has been adopted by this Government, and so solemnly sanctioned by both Houses of Congress, and applauded by the Legislatures of the States and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years, chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved—an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue, by amicable negociation, the great objects which the will of the People prescribed on the commence of our fellow citizens by whatever nation, and, if success cannot be obtained, to lay the facts before the Legislature, that they may consider what further measures the honor and interest of the Government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times, and to all nations, and maintain peace, friendship, and benevolence, with all the world; if an unshaken confidence in the honor, spirit, and resources of the American People, on which I have so often hazard my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraved on my mind in early life, and not obscured but exalted by experience and age; and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people, who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service; can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor, that this sacrosanct function of the two Houses shall not be without effect.

With this great example before me; with the sense and spirit, the faith and honor, the duty and interest of the same American People pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being, who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its Government, and give it all possible success and duration, consistent with the ends of his Providence.

JOHN ADAMS.
Gentlemen of the Senate, and Gentlemen of the House of Representatives:

The personal inconveniences to the members of the Senate and of the House of Representatives, in leaving their families under new affairs, at this season of the year, are so obvious, that I the more regret the extraordinary occasion, which has rendered the convention of Congress impossible.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe, whose animosities have endangered our tranquility; but we have still abundant cause of gratitude to the Supreme Government for general and pressing causes, viz.: for the rapid progress and ample acquisitions of industry, through extensive territories; for civil, political, and religious liberty. While other States are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws, generally satisfied with the possession of their rights; neither envying the advantages, nor fearing the power of other nations, solicitous only for the maintenance of order and justice, and the preservation of liberty; increasing daily in their attachment to a system of government, in proportion to their experience of its utility; yielding a ready and general obsequiousness to the.Locale of nations, and in the proper exercise of power.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting. But, if the tide of our prosperity is full, and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences, with all the skill we possess, and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be expedient or necessary, according to my constitutional duty, the causes and the objects of the proposed legislation are to be considered.

After the President of the United States received information that the French Government had expressed serious discontents at some proceedings of the Government of these States, said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations, as might happily remove the discontents and suspicions of the French Government, and vindicate the conduct of the United States. For this purpose he selected from among his fellow citizens, a character, whose integrity, talents, experience, and services, had placed him in the rank of the most esteemed and respected of his country. The direct object of his mission was expressed in a letter of credence to the French Republic; being "to maintain that good understanding which, from the commencement of the alliance, had subsisted between the two nations; and to efface unfavorable impressions, banish suspicions, and restore that cordiality, which was at once the evidence and pledge of a friendly union;" and his instructions were to the same effect, "faithfully to represent the disposition of the Government and People of the United States, (their disposition being one) to remove jealousies and obviat complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately and injuriously impaired; and to explain the relative interests of both countries, and the real sentiments of his own."

A minister thus specially commissioned, it was expected would have proved the instrument of restoring mutual confidence between the two republics. The first step of the French Government corresponded with that expectation.

A few days before his arrival at Paris, the French minister of foreign relations informed the American minister then resident at Paris, of the formalities to be observed by himself in taking leave, and by his successor, preparatory to his reception. These formalities they observed; and on the ninth of December, presented, officially, to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence; these were immediately submitted and laid before the Directory. In a few days afterwards, the minister of foreign relations informed the recalled American minister that the Executive Directory had determined not to receive another minister plenipotentiary from the United States, until after the redress of grievances demanded of the American Government, and which the French Republic had a right to expect from it. The American minister immediately endeavored to ascertain, whether, by refusing to receive him, it was intended that he should retire from the territories of the French republic; and verbal answers were given that such was the intention of the Directory. For his own justification, he desired a written answer, but obtained none until towards the last of January; when receiving notice, in answer to his request, the Directory of the United States, (their disposition being one) to remove jealousies and obviat complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately and injuriously impaired; and to explain the relative interests of both countries, and the real sentiments of his own. You will derive further information from his despatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate differences, and as they can treat only by Ministers, the right of embassy is well known and established among nations. The refusal on the part of France to receive our minister, is then the denial of a right; but the refusal to receive him until we have acceded to their demands, without discussion and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign State.

With this object of the French Government, it will be proper to take into view the public authorities given to the late minister of the United States on taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union; and at the same time studiously marked with indignities towards the Government of the United States. It evinces a design to extirpate the United States from the face of the earth, by persuading them that they have different affections, principles, and interests, from those of their fellow citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision, which shall convince France, and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority fitted to be the miserable instruments of foreign influence; and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have been raised in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten: they have inflicted a wound in the American breast; it is my sincere desire, however, that it may be healed. It is my desire, and in justice to the people of the United States, to propose this situation, to you, with sentiments of liberty, justice, and of the true principles of our union, believing that neither the honor nor the interest of the United States absolutely forbids the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation, on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. If we
have done injuries, we shall be willing, on conviction, to redress them: and equal measures of justice we have a right to expect from France and every other nation, in return for the injuries to our lawful commerce, and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complication of affairs, have almost necessitated the employment of military measures. The Government has determined to employ promptitude, to prevent the most embarrassing disorders: to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The President of the United States, having committed to each of his ambassadors, and to each of their respective counsels, the directions relative to their respective consuls, and all other officers, in which the matters committed to their care will not fail to produce the most embarrassing disorders: to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The President of the United States has determined to employ his officers in the defense of the country, and to take such measures as will enable our seafaring citizens, to defend themselves against violations of the law of nations, and to guard against the degradation and servility which they must finally stamp on the American character, an important duty of Government.

There is, next to the militia, the natural defence of the United States. The experience of the last war would be sufficient to show, that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable combinations of troops from one State to another, which were then practised. Our sea-coasts, from their great extent, are more easily annoyed and more easily defended. With the materials of war, from which other nations, in war, have been supplied; in skill, our naval architec-
tects and navigators are equal to any; and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it cannot be performed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the extraordinary increase of the East India Company's power in the East, by the destruction of the East India Company. The French have been enabled by the pirate d'Indian pirates, appeared to render the possession of its territories so insecure, that it was necessary to prevent collisions with the Powers at war, contravening the act of Congress, one thousand seven hundred and ninety-four, and not from any pretense entertained by us of the policy and propriety of permitting our vessels to employ lawful force, to repel aggression, and prevent it from being a part of the enemy's commerce, and to render the sending of our vessels of inferior force, to take under convoy such merchant vessels as shall remain unarm'd.

The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially, in the United States. Although an effectual remedy may be attended with difficulties, yet I have thought it my duty to express the subject generally to your consideration. If a mode can be devised by the wisdom of Congress, to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it my duty to mention, that some of our citizens resident abroad, have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States.

Such unnatural and injurious practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well known promptitude, ardor, and courage of the people in defence of their country, happily diminish the probability of invasion; nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal sea-
ports demands your consideration: and as our country is vulnerable in other interests besides those of its commerce, you will consider it your duty to be vigilant in the defence of your other interests, by an additional support to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in time of universal peace, ought not to be neglected, I recommend to your consideration, for organizing, arming, and disciplining the militia, to render that natural and safe defence of the United States ever ready.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it, if we can; yet, to effect this separation, early, punctual, and continual, immediate, and effectual measures will be required. The preservation of our neutral character, the regular observance of the public debt, and a provision of funds to defray any extraordinary expenses, will, of course, call for your serious attention. Although the imposition of new burthens cannot, by itself, agreeable, yet there is no ground to doubt that the confidence of the people will expect from you such measures as their actual engagements, their present security, and future interests, demand.

Gentlemen of the House of Representatives:

It is particularly your province to consider the state of the public finances, and to adopt such measures respecting them, as exigencies shall be imposed. The preservation of our neutral character, the regular observance of the public debt, and a provision of funds to defray any extraordinary expenses, will, of course, call for your serious attention. Although the imposition of new burthens cannot, by itself, agreeable, yet there is no ground to doubt that the confidence of the people will expect from you such measures as their actual engagements, their present security, and future interests, demand.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

The present situation of our country imposes an obligation on all the departments of Government, to adopt an ex-
act and complete defense. With a view to this object, an exposition of the principles by which my administration will be governed, ought not to be omitted.

It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavors have been made, on both sides, to defeat the efforts of the Government and People of the United States. To investigate the causes which have encouraged the attempt, is not necessary; but to repel, by decision and united councils, insinuations so derogatory to the honor, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

It must not be permitted to be doubted, whether the People of the United States will support Government by its constitutional power, and appointed by their free choice; or whether, by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own Government, they will forfeit the honor-

6 of their own, they have been maintained.
On Wednesday, May 24, 1797, the Senate waited on the President of the United States, and the Vice President, in their name, delivered to him the following

ADDRESS:

Sir:

The Senate of the United States request you to accept their acknowledgments for the comprehensive and interesting details you have given, in your speech to both Houses of Congress. While we regret the necessity of the present meeting of the Legislature, we wish to express our entire approbation of your conduct in convening it on this momentous occasion.

The suprenumeracy of our national faith, honor, and dignity, being in a great measure constitutionally deposited with the Executive, we observe, with singular satisfaction, the vigilance, firmness, and promptitude, exhibited by you, in this critical state of our public affairs, and from thence derive an evidence and pledge of the rectitude and integrity of your administration. And we are sensible it is an object of primary importance, that each branch of the government should adopt a language and system of conduct, which shall be cool, just, and dispassionate; but firm, explicit, and decided.

We are equally desirous, with you, to preserve peace and friendship with all nations, and are happy to be informed, that neither the honor or interests of the United States forbid advances for securing those desirable objects, by amicable negotiation, or the conclusion of fresh treaties of commerce, by which means, we are enabled to extend our trade, but the most rational and humane, and, with governments disposed to be just, can seldom fail of success, when fairly, candidly, and sincerely, used. If we have committed errors, and can be made sensible of them, we agree with you in opinion that we ought to correct them, and compensate the injuries which may have been consequent thereon; and if we have been sometimes unequal to the duty of maintaining that independence, which is the source of all our happiness, we do, therefore, most sincerely approve of your determination to promote and accelerate an accommodation of our existing differences with that republic, by negotiation, on terms compatible with the rights, duties, interests, and exigencies, of both. And you may rest assured of our most cordial co-operation, so far as it may become necessary, in this pursuit.

Peace and harmony with all nations is our sincere wish; but, such being the lot of humanity, that nations will not always reciprocate peaceable dispositions, it is our firm belief, that effectual measures of defence will always tend to inspire that national self-respect and confidence at home, which is the unifying source of respectability abroad, to check aggression, and prevent war.

While we are endeavoring to adjust our differences with the French republic, by amicable negotiation, the process of which is with the depositaries of the foreign credentials, of President and Senate, by the proper exertions, and, in the present state of our foreign connexions, prove to us your vigilant care, in recommending to our attention effectual measures of defence.

Those which you recommend, whether they relate to external defence, by permitting our citizens to arm for the purpose of repelling aggressions on their commercial rights, and by providing sea convoys; or to internal defence, by increasing the establishments of artillery and cavalry, by forming a provisional army, by revising the militia laws, and fortifying, more completely, our ports and harbors; will meet our consideration, under the influence of the same just regard for the security, interest, and honor, of our country, which dictated your recommendation.

Practices so unnatural and injurious, as those you state, of our own citizens converting their property and personal exertions into the means of annoying our trade, and injuring their fellow-citizens, deserve legal severity commensurate with their turpitude.

Although the Senate believe that the prosperity and happiness of our country does not depend on general and extensive war, they are, yet, sensible, that it is an object of enabling the Executive, by sufficient and liberal supplies, to maintain, and even extend, our foreign intercourse, as exigencies may require, reposing full confidence in the Executive, in whom the Constitution has placed the powers of negotiation.

We wish, with sincere concern, that attempts are in operation to alienate the affections of our fellow-citizens from their Government. Attempts so wicked, wherever they exist, cannot fail to excite our utmost abhorrence.

A government chosen by the People for their own safety and happiness, and calculated to secure both, cannot lose their affections, so long as its administration is founded upon the principle upon which it was erected. And you have been of resolution to observe a conduct just and impartial to all nations; a sacred regard to our national engagements; and not to impair the rights of our Government; contains principles which cannot fail to secure to your administration the support of the National Legislature, to render abortive every attempt to excite dangerous jealousies among us, and to convince the world that our Government, and your administration of it, cannot be separated from the affectionate support of every good citizen. And the Senate cannot suffer the present occasion to pass, without thus publicly and solemnly expressing their attachment to the Constitution and Government of their country; and as they hold themselves responsible to their constituents, their conscience, and their God, it is their determination, by all their exertions, to repel every attempt to alienate the affections of the People from the Government, so highly injurious to the honor, safety, and independence, of the United States.

We are happy, since our sentiments on the subject are in perfect unison with yours, in this public instance, to declare, that we believe the conduct of the Government has been just and impartial to foreign nations, and that those internal regulations which have been established for the preservation of peace, are in their nature proper, and have been fairly executed.

We are generally happy in possessing an entire confidence in your abilities and exertions in your station to maintain uninterrupted the honor, preserve the peace, and support the independence of our country; to acquire and establish which, in connexion with your fellow-citizens, has been the virtuous effort of a principal part of your life. To aid you in these arduous and honorable exertions, as it is our duty, so it shall be our faithful endeavor. And we flatter ourselves, sir, that the proceedings of the present session of Congress will manifest that spirit, although, of course, the United States love peace, and their independence, of all other nations, and expect the same in return.

We shall, upon the love of peace, and an anxious desire to maintain it, shall influence their counsels, which we sincerely hope, we shall have just grounds to expect peace and amity between the United States and all nations will be preserved.

But if we are so unfortunate as to experience injuries from any foreign Power, and the ordinary methods by which differences are amicably adjusted between nations shall be rejected, the determination, "not to surrender in any manner the rights of our country", so indispensably connected with the dignity, interest, and independence of our country, shall be by us steadily and inviolably supported.

THOMAS JEFFERSON.

Vice President of the United States and President of the Senate.
To which the President of the United States made the following reply:

Mr. Vice President, and Gentlemen of the Senate:

It would be an affrontation in me to dissemble the pleasure I feel on receiving this kind address.

My long experience of the wisdom, fortitude, and patriotism, of the Senate of the United States, enhances in my estimation the value of those obliging expressions of your approbation of my conduct, which are a generous reward for the exertions I have unceasingly recommended to your patronage and indulgence.

Our sentiments appear to be so entirely in unison, that I cannot but believe them to be the rational result of the understandings and the natural feelings of the hearts of Americans in general, on contemplating the present state of the nation.

While such principles and affections prevail, they will form an indissoluble bond of union, and a sure pledge that our country has no essential injury to apprehend from any portentous appearances abroad. In a humble reliance on Divine Providence, we may rest assured, that, while we reiterate with sincerity our endeavors to accommodate our relations with foreign countries, we must ever cherish the hope and the belief, which the past has sanctioned, that the wise and the virtuous are never again to be deprived of their just and their constitutional rights, any that have been seriously injured, any that have been grossly trampled upon, by any nation or combination of nations, whether friends or enemies.

JOHN ADAMS.

On Saturday, June 3, 1797, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

Sir:

The interesting details of those events which have rendered the convention of Congress at this time indispensable, (communicated in your speech to both Houses) have excited in us the strongest emotions. Whilst we regret the occasion, we cannot omit to testify our approbation of the measure, and pledge ourselves that no considerations of private advantage, or personal ambition, shall prevent our exerting our utmost abilities toward the accomplishment of the duties to which we are called.

We have constantly hoped that the nations of Europe, whilst desolated by foreign wars, or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity, to which the impartial conduct of our former efforts has given promise, and which the patriotic regret, we find the measures of the French Republic tending to endanger a situation so desirable and interesting to our country.

Upon this occasion we feel it our duty to express, in the most explicit manner, the sensations which the present crisis has excited; and to assure you of our zealous co-operation in those measures which may appear necessary for our security and prosperity.

Although it is the earnest wish of our hearts that peace may be maintained with the French republic, and with all the world, yet we never will surrender those rights which belong to us as a nation. And whilst we view, with satisfaction, the wisdom, dignity, and moderation, which have marked the measures of the Supreme Executive of our country, in its attempt to remove by candid explanations, the complaints and jealousies of France, we feel the full force of that indignity which has been offered our country in the rejection of its minister. No attempts to wound our rights as a sovereign State will escape the notice of our constituents: they will be felt with indignation, and repelled with that decision which shall convince the world that we are not a degraded people; that we can never submit to the demands of a foreign Power without examination and without discussion.

Knowing as we do the confidence reposed by the People of the United States in their Government, we cannot hesitate in expressing our indignation at any sentiments tending to derogate from that confidence. Such sentiments, wherever entertained, serve to evince an imperfect knowledge of the opinions of our constituents. An attempt to separate the People of the United States from their Government, is an attempt to separate them from themselves; and although foreigners, who know not the genius of our country, may have conceived the project, and foreign emissaries may attempt the execution, yet the united efforts of our fellow-citizens will convince the world of its impracticability.

Sensibly as we feel the wound which has been inflicted by the transactions disclosed in your communications, yet we think with you, that neither the honor nor the interest of the United States forbid the repetition of advances for preserving peace. We therefore receive, with the utmost satisfaction, your information that a fresh attempt at negotiation will be instituted, and we cherish the hope, that a mutual spirit of conciliation, and of confidence, will be the distinguishing part of the Union of the United States to France, to compensate for any injuries which may have been committed upon our neutral rights; and that the part of the United States to place France on grounds similar to those of other countries, in their relation and connexion with the United States, will produce the same effect. In all the engagements, rights, duties, and honor, of the United States. Fully, however, impressed with the uncertainty of the result, we promise to prepare, with fortitude, any unfavorable events which may occur, and to extricate ourselves from their influence, with all our efforts, and all the efforts in our power. Believing, with you, that the conduct of the Government has been just and humane; and that the obstacles to the preservation of peace have been proper, and that they have been fairly executed, the Representatives of the People do not hesitate to declare, that they will give their most cordial support to the execution of principles so deliberately and uprightly established.

The many interesting subjects which you have recommended to our consideration, and which are so strongly enforced by this momentous occasion, will receive every attention which their importance demands; and that your co-operation may be expected in those measures which may appear necessary for our security or peace.

The declarations of the Representatives of this nation, of their satisfaction at my promotion to the first office in this Government, and of their confidence in my sincere endeavors to discharge the various duties of it with advantage to our country, have excited my most grateful sensibility.

I pray you, gentlemen, to believe, and to communicate such assurance to our constituents, that no event, which I can foresee to be attendant by any exertions in the discharge of my duties, can afford me so much cordial satisfaction, as to conduct a negotiation with the French republic to a removal of prejudices, a correction of errors, a dissolution of umbrages, an accommodation of all differences, and a restoration of harmony and affection, to the mutual satisfaction of both nations. And whenever the legitimate organs of intercourse shall be restored, and the real sentiments of the two Governments be candidly communicated to each other, although strongly impressed with the necessity of collecting ourselves into a manly posture of defense, I nevertheless entertain an encouraging confidence that a mutual spirit of conciliation, a disposition to compensate injuries, and accommodate each other in all our relations and connexions, will produce an agreement to a treaty, consistent with the engagements, rights, duties, and honor, of both nations.

JOHN ADAMS.
EXECUTIVE PAPERS.

[1797.]

No. 14.

SPEECH OF PRESIDENT JOHN ADAMS,
DELIVERED ON THURSDAY, NOVEMBER 23, 1797.

5th Congress.
3d Session.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

I was for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the National Legislature at some other place. This measure it was desirable to avoid, because it would occasion much public inconvenience, and a considerable public expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow-citizens; therefore, after taking Councils of War within our city, and adjourning the business of the State, having hopes, now happily realized, that, without hazard to the lives or health of the members, Congress might assemble at this place, where it was next by law to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the constitution, upon such occasions, would not be a useful amendment to the law of our thousand seven hundred and ninety-four.

Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea; we have, nevertheless, abundant cause for gratitude, for the present restoration of the institutions of liberty, and especially for the measures of harmony, prosperity, agricultural, productive fisheries, and general improvements; and, above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

The broken little embankment, one of July, the other early in August, to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journeys to Paris, within a few days of the 19th of September. Whatever may be the result of this mission, I trust that nothing will be omitted, on my part, to carry the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interests, of the United States. Nothing, in the mean time, will contribute so much to the preservation of peace, and the attainment of justice, as a manifestation of that energy and unanimity, of which, on many former occasions, the People of the United States have given examples. The object of the present mission is the promotion of some resources for national defence, which a beneficient Providence has kindly placed within their power.

It may be confidently asserted that nothing has occurred, since the adjournment of Congress, which renders inexpedient those precautionary measures recommended to me by the consideration of the two Houses, at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is, or is not, to be continued, I hold it most certain, that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honor have so been impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force; while pride, ambition, avarice, and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation that a commerce without protection or defence will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits, of the People, are highly commercial; their cities have been formed and exist upon commerce; our agriculture, fisheries, arts, and manufactures, are connected with and depend upon it. In short, commerce has made this country what it is, and it cannot be destroyed or neglected without involving the People in poverty and distress. Great numbers are directly and solely supported by navigation; the faith of society is pledged for the preservation of commercial and sea-faring, not less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty, if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I have entertained an expectation that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with his Catholic Majesty, respecting the withdrawing of his troops from our territory, and the demarcation of the line of limits; but by the latest and most confidential information, I am informed, that the completion of the treaty has not been commenced; these circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope that the answers which have been given will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged it proper that we should continue to readiness to receive the posts, and to run the line of limits. Further information on this subject will be communicated in the course of the session.

In connection with this unpleasant state of things on our Western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States. Great activity has been exerted by these persons, who have insinuated themselves among the Indian tribes residing within the territory of the United States, to influence them to transfer their affections and force to a foreign nation, to form them into a confederacy, and prepare them for war against the United States. Attempts have been made to procure the destruction and inhibition of our rights, to prevent Indian hostilities, and to preserve entire their attachment to the United States, it is my duty to observe, that, to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law, providing adequate punishment for such negligence is necessary.

The commissioners appointed under the fifth article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, to ascertain the river which was truly intended under the name of St. Croix, mentioned in the treaty of peace, met at Passamaquoddy bay, in October, one thousand seven hundred and nineteen, and inspected the mouths of the rivers in question, and the adjacent shores and islands; and being of opinion, that actual surveys of both rivers, to their sources, were necessary, gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston in August. They met; but the surveys requiring more time than that which had been computed, and not being adjourned, they met at Providence, in the State of Rhode Island, in June next, when we may expect a final examination and decision.

The commissioners appointed in pursuance of the sixth article of the treaty met at Philadelphia in May last, to examine the claims of the United States for debts contracted before the peace, and still remaining due to them from citizens of the United States. Many cases have been decided, but there has not been any question of any sort that has been reported by the commissioners in London, conformably to the seventh article of the treaty. The sums awarded by the commissioners have
been paid by the British Government; a considerable number of other claims, where costs and damages, and not captives or property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

The commissioners appointed agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia, in the summer past, to examine and decide on the claims of our citizens for losses they have sustained, in consequence of the late war between Spain and France. Their sittings have been interrupted, but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the commissioners, acting under the sixth article of the treaty with Great Britain, and for the losses and damages susteared by British subjects, by the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States, and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the commissioners, acting under the seventh article of the same treaty, if necessary they have now commenced the execution of these obligations, in the manner prescribed by law.

The numerous captures of American vessels by the cruisers of the French republic, and of some by those of Spain, have occasioned considerable expenses in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose have, in divers instances, been disbursed by the consuls of the United States, in the proceeds of private funds; but it is requested that a portion be made for fulfilling these obligations, and the same, therefore, to be considered, and the consular acts relative to seamen, requires revision and amendment; the provisions for their support in foreign countries, and for their return, are found to be inadequate and inefficient. Another provision seems necessary to be added to the consular acts; some foreign vessels have been discovered sailing under the flag of the United States, and with forged papers: it seldom happens that the consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea letters.

Gentlemen of the House of Representatives:
It is my duty to recommend to your serious consideration those objects, which, by the constitution, are placed particularly within your sphere of action.

Since the decay of the feudal system, by which the public defence was provided for, chiefly at the expense of individuals, the system of loans has been introduced; and as no nation can raise within the year, by taxes, sufficient sums for its defence and military operations in time of war, the sums loaned and debts contracted have necessarily become objects of considerable funding systems. The consequences arising from the continual accumulation of public debts in other countries, ought to admonish us to be careful to prevent the continual growth of national debt.

The national defence must be provided for, as well as the support of government; but both should be accomplished, as much as possible, by immediate taxes, and as little as possible by loans.

The estimates for the service of the ensuing year will, by my direction, be laid before you.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:
We are met together at a most interesting period. The situations of the principal Powers of Europe are singular and portentous. Connected with some by treaties, and with all by commerce, no important event there, can be indifferent to us. The public safety, and characters, are more important, not less for a disposition to unite in all these measures, on which the honor, safety, and prosperity, of our country depend, than for all the exertions of wisdom and firmness.

In all such measures, you may rely on my zealous and hearty concurrence.

JOHN ADAMS.

On Tuesday, November 28, 1797, the Senate waited on the President of the United States, and the President pro tempore, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Sir: The communications you thought proper to make in your speech to both Houses of Congress, on the opening of their present session, afford additional proofs of the attention, integrity, and firmness, which have always marked your official character.

We cannot but approve of the measures you had taken to ascertain the state and decline of the contagious sickness, which has so severely afflicted the city of Philadelphia and the surrounding country; that which the President’s message to the Senate, and that which has been spoken at that place, without hazard to the health of its members, evinces the propriety of your having postponed a determination to convene the National Legislature at another place. We shall take into consideration the law of 1794, on this subject, and will readily concur in any amendment which may be deemed expedient.

It would have given us much pleasure to have received your congratulations on the re-establishment of peace in Europe, and the restoration of security to the persons and property of our citizens from injustice and violence at sea. But, though these events, so desirable to our country and the world, have not taken place, yet, we have abundant cause of gratitude to the Great Disposer of human events, for interior tranquility and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvement; and, above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty against all open and secret attempts to destroy it.

We learn, with satisfaction, that our envoy extraordinary to the French Republic had safely arrived in Europe, and were proceeding to the scene of negotiation; and, whatever may be the result of the mission, we are perfectly satisfied that nothing on your part has been omitted, which could, in any way, tend to a successful conclusion of the negotiation, upon terms compatible with the honor, and interests of the United States, and are convinced that, in the mean time, a manifestation of that unanimity and energy of which the People of the United States have given such memorable proofs, and a proper exertion of those resources of national defence, which we possess, will essentially contribute to the preservation of peace and the attainment of justice.

The empire of the United States is as great as the growth, comfort, and prosperity, of our country; and that the faith of society is pledged for the preservation of the rights of commercial and sea-faring, no less than of other citizens. And even if our negotiation with France should terminate favorably, and the rights of the United States be secured, by which unhappy prevail in so great a portion of the world, and the experience of past times, under better circumstances, unite in warning us that a commerce so extensive, and which holds out so many temptations to lawless plunderers, can never be safe without protection; and we hold ourselves obliged, by every tie of duty which binds us to our constituents, to promote and conciliate in such measures of marine defense, as will contribute to the security of their right of navigation, and to the protection of their property in the sea.

We regret, that, notwithstanding the clear and explicit terms of the treaty between the United States and his Catholic Majesty, the Spanish garrisons are not yet withdrawn from our territory, nor the running of the boundary line commenced. The United States have been faithful in the performance of their obligations to Spain, and had reason to expect a compliance equally prompt on the part of that Power. We still, however, indulge the hope that the convincing answers, which have been given to the objections stated by the Spanish officers, to the immediate execution of the treaty, will have their proper effect; and that this treaty, so mutually beneficial to the contracting
parties, will be finally observed with good faith. We therefore entirely approve of your determination to continue in readiness to receive the posts, and to run the line of partition between our territory and that of the King of Spain. Attempt to alienate the affections of the Indians; to form them into a confederacy, and to excite them to actual hostility against the United States; whether made by foreign agents, or by others, are so injurious to our interests at large, and so inhuman with respect to our citizens inhabiting the adjacent territory, as to deserve the most exemplary reprobation. We are well aware of the hard and irksome task of affording our aid in framing a law, which may prescribe a punishment adequate to the commission of crimes so heinous.

The several objects you have pointed out to the attention of the Legislature, whether they regard our internal or external relations, are objects from us that consideration which they merit; and we will readily concur in all such measures as may be necessary, either to enable us to fulfil our engagements at home, or to cause ourselves to be respected abroad. And, at this portentous period, when the Powers of Europe, with whom we are connected by treaty or commerce, are in so critical a situation, and when the conduct of some of those Powers towards the United States is so injurious to our country, we think the several branches of the Government are, in our opinion, called upon, with peculiar importance, to unite, and, by union, not only to devise and carry into effect those measures on which the safety and prosperity of our country depend, but also to undeceive those nations who, regarding us as a weak and divided people, have pursued systems of aggression inconsistent with a state of peace between independent nations. And, sir, we believe this to be the case; that, from the reflection that, at such a time, the executive part of our government has been committed to your hands: for, in your integrity, talents, and firmness, we place the most entire confidence.

JACOB READ, President of the Senate pro tempore.

To which the President of the United States made the following reply:

Gentlemen of the Senate:

I thank you for this address. When, after the most laborious investigation, and serious reflection, without partial considerations, or personal motives, measures have been adopted or recommended, I can receive no higher testimony of their rectitude, than the approbation of an assembly, so independent, patriotic, and enlightened, as the Senate of the United States.

Nothing has afforded me more entire satisfaction, than the conduct of your judgment with mine, in the opinion of the essential importance of our commerce, and the absolute necessity of a maritime defence. What is it, that has drawn to Europe the superfluous riches of the United States, and has given to their interest, a fortune which cannot be measured? Who is it that has drained the wealth of Europe itself into the coffers of two or three of its principal commercial Powers, but a marine?

The world has furnished no example of a flourishing commerce, without a maritime protection: and a moderate knowledge of man and his history will convince any one, that no such prodigy ever can arise. A mercantile marine and a military marine must grow up together: one cannot long exist without the other.

JOHN ADAMS.

United States, November 28, 1797.

On Wednesday, November 29, 1797, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

SIR: While our sympathy is excited by the recent sufferings of the citizens of Philadelphia, we participate in the satisfaction which you are pleased to express, that the duration of the late calamity was so limited as to render unnecessary the expense and inconvenience that would have been incident to the convention of Congress in another place; and we shall readily attend to every useful amendment to the law, which contemplates the event of continual sickness at the seat of Government.

In lamenting the increase of the injuries offered to the persons and property of our citizens at sea, we gratefully acknowledge the continuance of interior tranquility, and the attendant blessings of which you remind us, as alleviations of these fatal effects of injustice and violence.

Whatever may be the result of the mission to the French republic, your early and uniform attachment to the interests of your country, and your unceasing exertions for its welfare, afford no room to doubt of the sincerity of your efforts to conduct the negotiation to a successful conclusion, on such terms as may be compatible with the safety, honor, and interest, of the United States. We have also a firm reliance on the justice and amenity of the People of these States, in the assertion of their rights, and on our determination to exert, upon all proper occasions, their ample resources in providing for the national defence.

The importance of commerce, and its beneficial influence upon agriculture, arts, and manufactures, have been verified in the growth and prosperity of our country. It is essentially connected with the other great interests of the community. They must flourish and decline together; and while the extension of our navigation and commerce is naturally excites the jealousy, and tempts the avarice of other nations, we are firmly persuaded, that the numerous and deserving class of citizens engaged in these pursuits, and dependent on them for their subsistence, has a strong and indissoluble claim to our support and protection.

The delay of the Spanish officers to fulfil the treaty existing with his Catholic Majesty, is a source of deep regret. We learn, however, with satisfaction, that you still indulge hopes of removing the objections which have been made to its execution, and that you have continued in readiness to receive the posts. Disposed to perform, with fidelity, our engagements, nothing shall be wanting, on our part, to obtain the same justice from others, which we exercise towards them.

Our abhorrence cannot be more strongly expressed, of the intrigues of foreign agents to alienate the affections of the Indians, and to persuade them to acts of hostility against the United States. No means in our power should be omitted, of providing for the suppression of such cruel practices, and for the adequate punishment of their atrocious authors.

Upon the other interesting subjects noticed in your address, we shall bestow the requisite attention. To preserve inviolable the public faith, by providing for the due execution of our treaties; to indemnify those who have just claims to retribution upon the United States, for expenses incurred in defending the property and relieving the necessities of our unfortunate fellow-citizens; to guard against evasions of the laws intended to secure advantages to the navigation of our own vessels; and especially to prevent the accumulation of the public debt, are duties which we shall constantly be called to keep in view, and discharge with assiduity.

We regard, with great anxiety, the singular and portentous situation of the principal Powers of Europe. It were devoutly to be wished, that the United States, remote from this seat of war and discord; unambitious of conquests; respected in their name; and free from those national disasters to which we ourselves are liable, would, in these trying times, set the example, that may induce the United States, alone, to withdraw themselves from the contest; and that the United States, alone, may be permitted to behold the scenes which desolate that quarter of the globe, with only those sympathetic emotions which are natural to the lovers of peace, and friends of the human race. But we are led, by events, to associate with these feelings a sense of the dangers which menace our security and our existence, and we rely upon your judgment and experience of affairs, and your firmness in such measures as may be necessary to avert these dangers; and nothing on our part shall fail to repel them, which the honor, safety, and prosperity, of our country may require.
To which the President of the United States made the following reply:

Gentlemen of the House of Representatives:

I receive this address from the House of Representatives of the United States with peculiar pleasure.

Your approbation of the meeting of Congress in this city, and of those other measures of the Executive authority of Government, communicated in my address to both Houses at the opening of the session, afford me great satisfaction; as they are founded on the highest wish of my heart to give satisfaction to the People and their Representatives by a faithful discharge of my duty.

The confidence you express in the sincerity of my endeavors, and in the unanimity of the People, does me much honor, and gives me great joy. I rely on the harmony which appears in the sentiments of all the branches of the Government, on the importance of our commerce, and our obligations to defend it, as well as in all the other subjects recommended to your consideration; and sincerely congratulate you, and our fellow-citizens at large, on this appearance, so auspicious to the honor, interest, and happiness, of the nation.

JOHN ADAMS.

United States, November 29, 1797.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

While with reverence and resignation we contemplate the dispensations of Divine Providence, in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and congratulation, that the malady has disappeared, and that we are again permitted to assemble in safety and harmony.

I rely on the resolution of the Legislature of the United States to take all proper measures to promote our health, and to suppress the vices for which it has been considered as a country.

While we think on this calamity, and sympathize with the immediate sufferers, we have abundant reason to present to the Supreme Being our annual oblations of gratitude for a liberal participation in the ordinary blessings of his providence. To the usual subjects of gratitude, I cannot omit to add one of the first importance to our well being and safety— I mean the spirit which has arisen in our country against the menaces and aggression of a foreign nation.

We have the pleasure of seeing the French nation, in common with ourselves, free from those distractions which have so long engaged their attention. This is a source of satisfaction to us, as well as to our friends abroad. A new spirit of intercourse has been apparent in their public transactions, and we are assured that the commercial intercourse between France and the United States is now on an equal footing with that which it enjoyed during the last war.

The cause of the transactions in relation to the United States and France, which have come to my knowledge during your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken, by the Government of the United States, towards an amicable adjustment of differences with the French. You will, at the same time, learn that the French Government has, within a few years, made repeated ravages in some of our principal seaports, and with increased malignity; and, when we consider the magnitude of the evils arising from the interference of private and public business, whereby the national interests are deeply affected, I think it my duty to invite the Legislature of the Union to examine the expediency of legislation to prevent and suppress the depredations in aid of the health laws of the respective States: for, these being formed on the idea that contagious sickness may be communicated through the channels of commerce, there seems to be a necessity that Congress, who alone can regulate trade, should frame a system which, while it may tend to preserve the grave indulgence to be compatible to the interests of future peace, it is also worthy of observation that the decree of the Directory, alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given, and cannot give, any relief; it enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabric or produce, although the entire property belongs to neutrals, instead of being rescinded, has lately received a confirmation, by the failure of a proposition for its repeal.

While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force, those nations can see in the French Government only a Power regardless of its essential rights, of their independence, and sovereignty; and if they possess the means, they can reconcile nothing with their interest and honor but a firm resistance.

Hitherto, therefore, nothing is discoverable in the conduct of France which ought to change or relax our measures of defence; on the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued; and, in proportion as we enlarge our view of the portentous and incalculable situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

But, in demonstrating by our conduct, that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone ensure peace. It is peace that we have uniformly and perseveringly cultivated; and harmony between us and France may be restored at her option. But to send another minister, without more determinate assurances that he would not be met with an act of humiliation to which the United States ought not to submit. It must, therefore, be left with France (if she is, indeed, desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy; and, with a sincere disposition, on the part of France, to desist from hostility, to make reparation for injuries, and to restore the friendly intercourse which has so often been interrupted, the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France, and the world, that the Executive authority of this country still adheres to the humane and pacific policy, which has invariably governed its proceedings, in conformity with the wishes of the other branches of the Government, and of the People of the United States. But, considering the late manifestations of her policy towards foreign nations, I deem it a duty,
deliberately and solemnly to declare my opinion, that, whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty, and ensure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session, are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy, than we have derived from the arming for our maritime protection and defence. We ought, without loss of time, to lay the foundation for an increase of our navy to a size sufficient to guard our coast, and protect our trade. Such a naval force, as it is doubtless in the power of the United States to create and maintain, would also afford to them the best means of general defence, by facilitating the safe transportation of troops and stores to every part of the country. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring, at all times, the requisite timber and other supplies. In what manner this shall be done, I leave to your consideration.

I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the National Legislature.

After the Spanish garrisons had evacuated the posts they occupied at the Natchez and Walnut-Hills, the commissioner of the United States commenced his observations to ascertain the point near the Mississippi, which terminated the thirty-first degree of North latitude. Thence he proceeded to run the boundary line between the United States and Spain. He was afterwards joined by the Spanish commissioner, when the work of the former was confirmed; and they proceeded together to the demarcation of the line. Recent information renders it probable that the Southern Indians, either instigated to oppose the demarcation, or jealous of the consequences of suffering white people to run a line over lands to which the Indian title had not been extinguished, have, at this time, stopped the progress of the commissioners. And considering the mischiefs which may result from continuing the demarcation, in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the commissioners have actually established, probably extend at least as far as the Indian title has been extinguished, it will perhaps become expedient and necessary to suspend further proceedings, by recalling our commissioner.

The commissioners appointed in pursuance of the fifth article of the treaty of amity, commerce, and navigation, between the United States and His Britannic Majesty, to determine what river was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 29th of October they made their declaration that a river called Scodieic, which falls into Passamaquoddy Bay at its southwestern quarter, was the St. Croix intended. Its sources come from the westward, and the other from the northward, and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Scodieic and its northern branch bound the grants of lands which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix, as now settled, and what is usually called the Bay of Fundy, lie a number of valuable islands. The Commissioners have not continued the boundary line through any channel of these islands, and unless the Bay of Passamaquoddy be a part of the Bay of Fundy, the further adjustment of boundary will be necessary: but it is apprehended that this will not be a matter of any difficulty.

Such progress has been made in the examination and decision of cases of captures and condemnations of American vessels, which were the subject of the seventh article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, that it is supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

The commissioners acting under the twenty-fifth article of the treaty between the United States and Spain, have adjusted most of the claims of our citizens, for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the late war between France and Spain.

Various circumstances have concurred to delay the execution of the law for augmenting the military establishment, among these, the necessity of obtaining the fullest information which will direct the best selection of officers. As this object will now be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle and with effect.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations, which will be necessary for the service of the ensuing year, to be laid before you, accompanied with a view of the public receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the public resources, from the prosperous state of the finances of the United States, as well as the large receipts which have been realized in consequence of the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow-citizens, and how great a proportion of the public resources depends on their enterprise, you will naturally consider whether their convenience cannot be promoted and reconciled with the security of the revenue, by a revision of the system by which it is now administered. The present is a proper time for effecting this revision.

During your recess, measures have been steadily pursued for effecting the validations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were incident to the great magnitude of the operation, and novelty of the operation, and enough has been accomplished to assure a fulfilment of the views of the Legislature.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

I cannot close this address without once more advertiting to our political situation, and inculcating the essential importance of continuing the stirring contest between us and our principles, to the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled.

JOHN ADAMS.

On Wednesday, December 12, 1798, the Senate waited on the President of the United States, and the President pro tempore, delivered to him the following

ADDRESS: To the President of the United States:

SIR: The Senate of the United States join you in thanks to Almighty God for the removal of the late afflicting dispensations of his providence, and for the patriotic spirit and general prosperity of our country. Sympathy for the sufferings of our fellow-citizens from disease, and the important interests of the Union, demand of the National Legislature the co-operation with the State Governments in the use of such means as seem best calculated to prevent the return of this fatal calamity.

Although we have sincerely wished that an adjustment of our differences with the republic of France might be obtained, the terms on which you have given us of the ultimate failure of the negotiations, has not superseded us. In the general conduct of that republic, we have seen a design of universal influence, incompatible with the self-government, and destructive of the independence, of other States. In its conduct towards these United States, we have seen a plan of hostility pursued with unremitting constancy—equally disregarding the obligations of treaties and the rights of individuals. We have seen two embassies, formed for the purpose of mutual expla-
nations, and clothed with the most extensive and liberal powers, dismissed without recognition and even without a hearing. The Government of France has not only refused to repeal, but has recently enjoined the observance of its former edict, respecting merchandise of British fabric or produce, the property of neutrals, by which the interruption of our lawful commerce, and the spoliation of the property of our citizens, have again received a public sanction. The French do not hesitate to adopt the opinion that, whether negotiations with France are resumed or not, vigorous preparations for war will be alike indispensable.

To which the President of the United States made the following reply:

To the Senate of the United States:

GENTLEMEN:—

I thank you for this address, so conformable to the spirit of our constitution, and the established character of the Senate of the United States, for wisdom, honor, and virtue. I have seen no real evidence of any change of system or disposition in the French nation, towards the United States. As to the insurgents, without public character or authority, is not entitled to any credit, yet it deserves to be considered, whether that temerity and impertinence of individuals affecting to interfere in public affairs, between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the People, and separate them from their Government, ought not to be inquired into and corrected.

I thank you, gentlemen, for your assurances that you will bestow that consideration on the several objects pointed out in my communication which they respectively merit.

The confidence is established in the sincerity, and constancy, which have been displayed by my fellow-citizens and countrymen, in the most trying times and critical situations, and fulfilled my duties to them, I am happy. The testimony of the Senate of the United States in my favor, is an high and honorable reward, which receives, as it merits, my grateful acknowledgments. My zealous co-operation in measures necessary to secure us justice and consideration may be always depended on.

JOHN ADAMS.

December 12, 1798.

On Friday, December 14, 1798, the Speaker, attended by the members of the House of Representatives, waited on the President of the United States, and delivered to him the following ADDRESS:

To John Adams, President of the United States:

SIR:—
The House of Representatives unite with you in deploring the effects of the desolating malady by which the seat of Government, and other parts of our country, have recently been visited. In calling our attention to the fatality of its repeated ravages, and inviting us to consider the expediency of exercising our constitutional powers in aid of the health laws of the respective States, your recommendation is sanctioned by the dictates of humanity and liberal policy. In this interesting subject, we feel the necessity of adopting every wise expedient for preventing a calamity so distressing to individual sufferers, and so prejudicial to our national commerce.

That our finances are in a prosperous state, notwithstanding the commercial derangements resulting from this calamity and from external embarrassments, is a satisfactory manifestation of the great extent and solidity of the public resources. Connected with this situation of our fiscal concerns, the assurance that the legal provisions for obtaining revenue by direct taxation will fulfill the views of the Legislature, is peculiarly acceptable. Desirous as we are, that all causes of hostility may be removed by the amicable adjustment of national differences, we learn with satisfaction, that, in pursuance of our treaties with Spain and with Great Britain, advances have been made for definitively settling the controversies relative to the Southern and Northeastern limits of the United States. With similar sentiments have we received your information that the proceedings under commissions authorized by the same treaties of Amity, to a respectable portion of our citizens, the prospect of a final decision on their claims for maritime injuries committed by those Powers.

It would be the theme of mutual felicitation, were we assured of experiencing similar moderation and justice from the French republic, between which and the United States differences have unhappily arisen. But this is bemoaned by the ultimate failure of the measures which have been taken by this Government towards the amicable adjustment of those differences, and by the various insidious pretensions on the part of that nation.

The continuing in force the decree of January last, to which you have more particularly pointed our attention, ought, of itself, to be considered as demonstrative of the real intention of the French Government. That decree proclaims a predatory warfare against the unquestionable rights of neutral commerce, which, with our means of defence, our interest and our honor command us to repel. It, therefore, now becomes the United States to be as determined in resistance, as they have been patient in suffering, and condescending in negotiation.

While we do not hesitate to adopt the opinion that, whether negotiations with France are resumed or not, vigorous preparations for war will be alike indispensable.
In this conjunction of affairs, while with you we recognize our abundant cause of gratitude to the Supreme Disposer of events for the ordinary blessings of Providence, we regard, as of high national importance, the manifestation, in our country, of a unanimous spirit of resistance to foreign domination. This spirit merits to be cherished and invigorated by every branch of Government, as the estimable pledge of national prosperity and glory.

Disclaiming a reliance on foreign protection; wanting no foreign guarantee of our liberties; resolving to maintain our national independence against every attempt to despoil us of this inestimable treasure; we confide, under Providence, in the patriotism and energies of the People of these United States for defeating the hostile enterprises of any foreign Power.

To adopt, with prudent foresight, such systematical measures as may be expedient for calling forth those energies wherever the national exigencies may require, whether on the ocean, or on our own territory, and to reconcile with the proper security of revenue, the convenience of mercantile enterprise, on which so great a proportion of the public resources depends, are objects of moment which shall be duly regarded in the course of our deliberations.

Fully as we accord with you in the opinion that the United States ought not to submit to the humiliation of sending troops, and the expenditure of revenue, for the character of Representatives of a great and free People. The judgment and feelings of a nation, I believe, were never more truly expressed by their Representatives, than those of our constituents by your decided declaration, that, with our means of defence, our interest and honor command us to repel a predatory warfare against the unquestionable rights of neutral commerce; it becomes the United States to be as determined in resistance, as they have been patient in suffering, and resolute in demanding; that, while those who direct the affairs of France persist in the enforcement of decrees so hostile to our essential rights, their conduct forbids us to confide in any of their professions of amity; that an adequate naval force must be considered as an important object of national policy; and that, whether negotiations with France are resumed or not; vigorous preparations for war will be alike indispensable.

The generous disdain you so coolly and deliberately express, of a reliance on foreign protection, wanting no foreign guarantee of our liberties, resolving to maintain our national independence against every attempt to despoil us of this inestimable treasure, will meet the full approbation of every sound understanding, and exulting applause from the heart of every faithful American.

I thank you, gentlemen, for your candid approbation of my sentiments on the subject of negotiation; and for the declaration of your opinion that the policy of extending and invigorating our measures of defence, and the adoption, with prudent foresight, of such systematical measures as may be expedient for calling forth the energies of our country, wherever the national exigencies may require, whether on the ocean, or on our own territory, will demand your sedulous attention.

At the same time, I take the liberty to assure you it shall be my vigilant endeavor that no illusory professions shall seduce me into any abandonment of the rights which belong to the United States as a free and independent nation.

December 14, 1798.

JOHN ADAMS.
Persevering in the pacific and humane policy which had been invariably professed, and sincerely pursued, by the Executive authority of the United States, when indications were made, or the part of the French republic of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances, by a nomination of ministers, upon certain conditions, which the honor of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French, for the purpose of the reception of our envoys, have been given, through their minister of foreign relations; and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent of the Senate. The characters of these gentlemen are sure pledges to Congress that their mission will be conducted without interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

It appearing probable, from the information I received, that our commercial intercourse with some ports in the island of St. Domingo might safely be renewed, I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in pursuance of the act of Congress on the subject, prescribed the regulations and prohibitions of that intercourse to be discontinued, on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property, have been duly respected, and privative from those engagements, which the claims of British subjects by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce, and navigation, with Great Britain, a difference of opinion, on points deemed essential, in the interpretation of that article, has arisen between the commissioners appointed by the United States, and the Minister Plenipotentiary of his Majesty, has been conducted by his treaty with the United States; that they will be instructed to resume their functions whenever the obstacles which impede the progress of the convention at Philadelphia shall be removed. It being, in like manner, my sincere determination, so far as the same depends on me, that, with equal punctuality and good faith, the engagements contracted by the United States, in their treaties with his Britannic Majesty, shall be fulfilled, I shall immediately instruct our minister at London to endeavor to obtain the explanations necessary to a just performance of those engagements on the part of the United States. With such dispositions on both sides, I cannot entertain a doubt, that all difficulties will soon be removed, and that the two Boards will then proceed and bring the business committed to them respectively to a satisfactory conclusion.

At the instance of the Senate, and the unanimous consent of the House, it was resolved on the 30th of December last, that the revenue offices of the state of New York should be transferred from Philadelphia to the District chosen for its permanent seat, it is proper for me to inform you that the commissioners appointed to provide suitable buildings for the accommodation of those offices, have arrived at a state of the buildings designed for those purposes in the City of Washington; from which they conclude, that the removal of the seat of government to that place, at the time required, will be practicable, and the accommodation satisfactory. Their report will be laid before you.

Gentlemen of the House of Representatives:

I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period in which a great portion of the civilized world has been involved in a war unusually calamitous and destructive, it was not to be expected that the United States could be exempt from extraordinary burthens. Although the prejudice that had arisen when the measures adopted to secure our country against foreign attacks can be renounced, yet it is alike necessary to the honor of the Government and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the public expenditure; the examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measures to which the expenditure relates.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

At a period like the present, when momentous changes are occurring, and every hour is preparing new and great events in the political world; when a spirit of war is prevalent in almost every nation, with whose affairs the interests of the United States could be connected, our unsafe and precarious position requires that, in this situation, we do not neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but, however the matter may terminate, a steady perseverance in a system of national defence, commensurate with our resources and the situation of our country, is an obisde dictate of wisdom; for, remotely as we are placed from the belligerent nations, and distant as we are from the sources of danger to any, notwithstanding the powerful and irresistible forces which will secure to our country a rational prospect of escaping the calamities of war, or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me, as to render the People of the United States prosperous and happy. I rely, with entire confidence, on your co-operation in objects equally your care; and that our mutual labors will serve to increase and confirm union among our fellow-citizens, and an unshaken attachment to our Government.

JOHN ADAMS.

United States, December 3d, 1799.

On Tuesday, December 10, 1799, the Senate waited on the President of the United States, and the President pro tempore, in their name, delivered to him the following

ADDRESS:

To the President of the United States:

Accept, sir, the respectful acknowledgments of the Senate of the United States for your speech delivered to both Houses of Congress at the opening of the present session,

While we devoutly wish you in offering our thanks to Almighty God for the return of health to our cities, and for the general prosperity of the country, we cannot refrain from lamenting that the arts and callanies of factious, designing men have excited open rebellion a second time in Pennsylvania, and thereby compelled the employment of military force. The late events in the town of Philadelphia, the want of vigilance, energy, and well-timed exertions, have crushed so daring an opposition, and prevented the spreading of such treasonable combinations. The promptitude and zeal displayed by the troops called to suppress this insurrection deserve our highest commendation and praise, and afford a pleasing proof of the spirit and alacrity with which our fellow-citizens are ready to maintain the sacred rights of our country.

Knowing, as we do, that the United States are sincerely anxious for a fair and liberal execution of the treaty of amity, commerce, and navigation, entered into with Great Britain, we learn, with regret, that the progress of adjustment of accounts between our commercial nations. We hope, however, that the justice, the moderation, and the obvious interests of both parties will lead to satisfactory explanations, and that the business will then go forward to an amicable close of all differences and demands between the two countries. We
are fully persuaded that the Legislature of the United States will cheerfully enable you to realize your assurance of performing, on our part, all engagements under our treaties with punctuality, and the most scrupulous good faith.

When we reflect upon the uncertainty of the result of the late mission to France; and upon the uncommon nature, extent, and aspect, of the war now raging in Europe; which affects materially our relations with the Powers at war, and which has changed the condition of our colonies in our neighborhood; we are of opinion, with you, that it would be neither wise nor safe to relax our measures of defence, or to lessen any of our preparations to repel aggression. Our inquiries and attention shall be carefully directed to the various other important subjects which we have recommended to our consideration; and from our experience of your past administration, we anticipate, with the highest degree of confidence, our successful co-operation in all measures which have a tendency to promote and extend our national interests and happiness.

SAMUEL LIVERMORE,
President of the Senate pro tempore.

To the President of the United States made the following reply:

**Gentlemen of the Senate:**

I thank you for this address. I wish you all possible success and satisfaction in your deliberations on the means which have a tendency to promote and extend our national interests and happiness; and I assure you that, in all your measures directed to those great objects, you may, at all times, rely with the highest confidence on my cordial co-operation.

The praise of the Senate, so judiciously conferred on the promptitude and zeal of the troops called to suppress the insurrection, as it falls from so high authority, must make a deep impression—both as a terror to the disobedient, and an encouragement of such as do well.

JOHN ADAMS.

**United States, Dec. 10, 1799.**

On Tuesday, December 10, 1799, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following:

**ADDRESS:**

To the President of the United States:

**Sir:**

While the House of Representatives contemplate the flattering prospects of abundance from the labors of the people by land and by sea, and the prosperous commerce, notwithstanding the interruptions occasioned by the late invasion of a great part of the world; the return of health, industry, and trade, to those cities which have lately been afflicted with disease; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of Government, are continued to us unimpaired; we cannot fail to offer up to a benovent Deity our sincere thanks for these, the merciful dispensations of his protecting providence.

That any portion of the People of America should permit themselves, amid such numerous blessings, to be seduced by the arts and misrepresentations of designing men, into an open resistance of a law of the United States, cannot be heard without deep and serious regret. Under a constitution where the public rights can only be imposed by the people themselves, for their own benefit, and to promote their own objects, a hope might well have been indulged that the general interest would have been too well understood, and the general welfare too highly prized, to have produced, in any of our citizens, a disposition to hazard so much felicity, by the criminal effort of a part of the people, to place their own interest in subordination to that of the whole. While we lament that depravity which could produce a defeance of the civil authority, and render indispensable the aid of the military force of the nation, real consolation is to be derived from the promptness and fidelity with which that aid was afforded. That zealous and active co-operation with the judicial power, of the volunteers and militia called into service, which has restored order and submission to the laws, is a pleasing evidence of the attachment of our fellow-citizens to their own free Government, and of the truly patriotic alacrity with which they will support it.

To give due effect to the civil administration of Government, and to ensure a just execution of the laws, are objects of such real magnitude as to secure a proper attention to your recommendation of a revision and amendment of the necessary systems.

Highly approving, as we do, the pacific and humane policy which has been invariably professed, and sincerely pursued by the Executive authority of the United States—a policy which our best interests enjoined, and of which honor be preserved—we cordially consider as the most unequivocal proof of your unflinching perseverance in the same well chosen system, your preparation to meet the first indications on the part of the French republic, of a disposition to accommodate the existing differences between the two countries, by a nomination of ministers on certain conditions, for the purpose of obtaining an immediate and unconditional right to prescribe. The assurances thus required of the French Government, previous to the departure of our envoys, had been given through their minister of foreign relations, the direction that they should proceed on their mission was, on your part, a completion of the measure, and manifests the sincerity with which it was commenced. We offer up our fervent prayers to the Supreme Ruler of the Universe for the success of our embassy, and that it may be productive of peace and happiness to our common country. The uniform tenor of your conduct through a life useful to your fellow-citizens and honorable to yourself, gives a sure pledge of the sincerity with which the avowed objects of the mission will be pursued on your part, and we earnestly pray that similar dispositions may be displayed on the part of France. The differences which unfortunately subsist between the two nations cannot fail, in that event, to be happily terminated. To produce this end, to all so desirable, firmness, moderation, and union at home, constitute, we are persuaded, the surest means. The character of the gentlemen you have named under the new mission will more characterize the Government which deputes them as officers of the country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

We learn, with pleasure, that a treaty, which with confidence the hope has been renewed, have been duly respected, and that privatizing from those ports has ceased.

With you, we sincerely regret that the execution of the sixth article of the treaty of amity and commerce, and navigation, with Great Britain—an article produced by a mutual spirit of amity and justice—should have been unavoidably interrupted. We doubt not that the same spirit of amity, and the same sense of justice in which it originated, will lead to satisfactory explanations; and we hear with approbation that our minister at London will be immediately instructed to obtain them. While the engagements which America has contracted by her treaties with Great Britain ought to be fulfilled with that scrupulous punctuality and good faith to which our Government has ever so tenaciously adhered; yet no motive exists to induce, and every principle forbids us to adopt, a construction which might extend them beyond the instrument by which they are created. We cherish the hope that the Government of Great Britain would, with the same spirit, sustain such extension, and by cordially uniting with that of the United States for the re-

vocabal of all difficulties, will soon enable the Boards, appointed under the sixth and seventh articles of our treaty with that nation, to proceed, and bring the business committed to them, respectively, to a satisfactory conclusion. Part of the important and indispensable engagements to which the people of the United States are subject, and for the maintenance of the peace, and the interest of the country, at its permanent seat, being in such a state as to admit of a removal to that District by the time prescribed by the act of Congress, no obstacle, it is presumed, will exist to a compliance with the law.

With you, sir, we deem the present period critical and momentous. The important changes which are occurring; the new and great events which are every hour preparing in the political world; the spirit of war which is
prevalent in almost every nation with whose affairs the interests of the United States have any connexion; demonstrate how unsafe and precarious would be our situation should we neglect the means of obtaining our just rights. Respecting, as we have ever done, the rights of others, America estimates too correctly the value of her own, and has received evidence, too complete, that they are only to be preserved by her own vigilance, ever to permit herself to be reduced by a love of ease, or by other considerations, into that deadly disregard of the means of self-defence, which could only result from a carelessness, as criminal as it would be fatal, concerning the future destinies of our growing republic. The result of the mission to France is, indeed, sir, uncertain. It depends not on America alone. The most pacific temper will not always ensure peace. We should, therefore, exhibit a system of conduct as indiscreet as it would be new in the history of the world, if we considered the negotiation happily terminated, because we have attempted to commence it and peace restored, because we wish its restoration. But, sir, however this mission may terminate, a steady perseverance in a system of national defence, commensurate with our resources and the situation of our country, is an obvious dictate of duty. Experience, the parent of wisdom, and the great instructor of nations, has established the truth of your position, that, remotely as we are placed from the belligerent nations, and desirous as we are, by doing justice to all, to avoid offence to any, yet nothing short of the power of repelling aggressions will secure to our country a rational prospect of escaping the calamities of war, or national degradation.

In the progress of the session, we shall take into our serious consideration the various and important matters recommended to our attention.

The service of your country; talents and integrity which have so justly acquired, and so long retained, the confidence and affection of your fellow-citizens; attest the sincerity of your declaration that it is your anxious desire so to execute the trust reposed in you as to render the People of the United States prosperous and happy.

To which the President of the United States made the following reply:

**Gentlemen of the House of Representatives:**

This very respectful address from the Representatives of the People of the United States, at their first assembly after a fresh election, under the strong impression of the public opinion and national sense, at this interesting and singular crisis of our public affairs, has excited my sensibility, and receives my sincere and grateful acknowledgments.

As long as we can maintain, with harmony and affection, the honor of our country, consistently with its peace, externally and internally, while that is attainable; or in war, when that becomes necessary, assert its real independence and sovereignty, and support the constitutional energies and dignity of its Government; we may be perfectly sure, under the smiles of Divine Providence, that we shall effectually promote and extend our national interest and happiness.

The applause of the Senate and House of Representatives, so justly bestowed upon the volunteers and militia, for their zealous and active co-operation with the judicial power, which has restored order and submission to the laws, as it comes with peculiar weight and propriety from the Legislature, cannot fail to have an extensive and permanent effect, for the support of Government, upon all those ingenious minds who receive delight from the approving and animating voice of their country.

**JOHN ADAMS.**

United States, December 10, 1799.

6th Congress.]

No. 17. [2d Session.

**SPEECH OF PRESIDENT JOHN ADAMS,**

Delivered on Saturday, November 22, 1800.

**Gentlemen of the Senate, and Gentlemen of the House of Representatives:**

Immediately after the adjournment of Congress at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the Government in this place.

I congratulate the People of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

It would be unbecoming the Representatives of this nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the Universe, and imploring his blessing.

May this territory be the residence of virtue and happiness! In this city may that pieti and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish in universal enjoyment.

It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing, with unexampled rapidity, in arts, in commerce, in wealth, and in population; and possessing, within itself, those energies and resources, which, if not thrown away, or lamentably misdirected, secure it to a long continuance of the liberty and independence of the country.

In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honorable testimony they gave of the patriotic motives which brought them into the service of their country, by the readiness and regularity with which they returned to the stations of private citizens.

It is, in every point of view, of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the constitution and laws devolve on the federal courts, as convenient to the People as may consist with their present circumstances, that I cannot omit once more to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none those improvements which may have been suggested by experience be more beneficially applied.
A treaty of amity and commerce with the King of Prussia has been concluded and ratified. The ratifications have been exchanged, and I have directed the treaty to be promulgated by proclamation.

The difficulties which suspended the execution of the sixth article of our treaty of amity, commerce, and navigation with his Britannic Majesty, no longer exist. The negotiation on this subject is still depending. It must be for the interest and honor of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavors of the Government of the United States to bring it to an amicable termination will not be frustrated.

The envoy extraordinary and ministers plenipotentiary from the United States to France, were received by the First Consul with the respect due to their characters; and three persons, with equal powers, were appointed to treat with them. Although, at the date of the last official intelligence, the negotiation had not terminated, yet it is to be hoped, from the earnestness of the parties, that an agreement will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavors for the preservation and harmony with all nations will continue to be used, the experience of the world, our own experience, admonish us of the insecurity of trusting too confidently to their success. We must be prepared for every contingency, and our plans of foreign policy, for danger and prosperity, must be adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may again compel us to resort. While our vast extent of sea coast, the commercial and agricultural habits of our People, the great capital which we continue to transport into the system of defence which will be most beneficial to ourselves, our distance from Europe and our resources for maritime strength, will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted to defensive war, and which, may, in case of necessity, be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquility, for the safety of our shores, and for the protection of our property committed to the ocean.

The present navy of the United States, called suddenly into existence, by a great national exigency, has raised us in our own esteem; and by the protection afforded to our commerce, has effected, to the extent of our expectations, the objects for which it was created.

In connexion with a navy ought to be contemplated the fortification of some of our principal sea ports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution and safety. The present state of our sea ports, considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render the intended purposes the fortifications which have been commenced.

While the United States still inviolate, the seat of the United States is still the seat of the National Legislature. At a considerable expense to the public, this public service has been brought to such a state of maturity, as, with continued encouragement will supersede the necessity of future importations from foreign countries.

**Gentlemen of the House of Representatives:**

I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure, to a late period, to be laid before you,

I observe with much satisfaction the steady product of the revenue, during the present year, has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of public credit.

**Gentlemen of the Senate, and Gentlemen of the House of Representatives:**

As one of the grand community of nations, our attention is irresistibly drawn to the important subjects which round us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of Wisdom to adjust and distribute the punishment which has visited them. It is for Congress to determine whether additional appropriations shall be made, in order to render the intended purposes the fortifications which have been commenced.

We observe with satisfaction the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honorable duty of guarding the public interests; and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you that your labors to promote the general happiness will receive from me the most zealous co-operation.

**JOHN ADAMS.**

**United States, November 22, 1800.**

On Wednesday, November 26, 1800, the Senate waited on the President of the United States, and the President pro tempe, in their name, delivered to him the following

**ADDRESS:**

**To the President of the United States:**

**Sir:**

Impressed with the important truth that the hearts of rulers and people are in the band of the Almighty, the Senate of the United States most cordially join in your invocations for appropriate blessings upon the Government and People of this Union.

We meet you, sir, and the other branch of the National Legislature, in the city which is honored by the name of our late hero and sage, the Illustrious Washington, with sensations and emotions which exceed our power of description.

While we congratulate ourselves on the convention of the Legislature at the permanent seat of Government, and ardently hope that permanence and stability may be communicated as well to the Government itself as to its seat, our minds are irresistibly led to deplore the death of him who bore so honorable and efficient a part in the establishment of both. Great indeed would have been our gratification if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place; but we derive consolation from a belief that the multitude, which, by erecting a dangerous tower, was fixed by that Being whose counsels cannot err; and from a hope that, since in this seat of Government, which bears his name, his earthly remains will be deposited, the members of Congress, and all who inhabit the city, with these memorials before them, will retain his virtues in their hearts, and lead a virtuous, patriotic, moral, and piety, models for imitation. And permit us to add, sir, that it is not among the least of our consolations that you, who have been his companion and friend from the dawning of our national existence, and trained in the same school of exertion to effect our independence, are still preserved by a gracious Providence in health and activity to exercise the functions of Chief Magistrate. All the members of this House of Representatives by the Constitution in the Congress of the United States, shall be immediately exercised, is of great importance, and in deliberating upon it, we shall naturally be led to weigh the attendant circumstances and every probable consequence of the measures which may be proposed.

The several subjects for legislative consideration, contained in your speech, to both Houses of Congress, shall receive from the Senate all the attention which they can give, when contemplating those objects, both in respect to their national importance, and the additional weight that is given by them to your recommendation.

We deplore, with you, sir, all spirit of innovation, from whatever quarter it may arise, which may impair the sacred bond that connects the different parts of this empire; and we trust, that, under the protection of Divine Pro-
vidence, the wisdom and virtue of the citizens of the United States will deliver our national compact unimpaired to a grateful posterity.

From past experience, it is impossible for the Senate of the United States to doubt of your zealous co-operation with the Legislature in every effort to promote the general happiness and tranquility of the Union.

Accept, sir, our warmest wishes for your health and happiness.

JOHN E. HOWARD,
President of the Senate pro tempore.

To which the President of the United States replied as follows:

Mr. President, and Gentlemen of the Senate:

For this excellent address, so respectful to the memory of my illustrious predecessor, which I receive from the Senate of the United States, at this time, and in this place, with peculiar satisfaction, I pray you to accept of my unfeigned sense of the respect and esteem which I entertain for him, and which I cannot fail to feel for his glorious memory. It is with the sincerest hope, that permanence and stability will be communicated, as well to the Government itself, as to its beautiful and commodious seat. With you I deplore the death of that hero and sage who bore so honorable and efficient a part in the establishment of both. Great indeed would have been the blessings which it was so proper that his friends had been coupled with by seeing the Government thus peaceably convened at this place, himself at its head. But, while we submit to the decisions of Heaven, whose counsels are inscrutable to us, we cannot but hope, that the members of Congress, the officers of Government, and all who inhabit the city or the country, will retain its virtues in lively recollection, and make his patriotism, morals, and political models for imitation.

I thank you, gentlemen, for your assurance that the several subjects for legislative consideration, recommended in my communication to both Houses, shall receive from the Senate a deliberate and candid attention.

With you, gentlemen, I sincerely deprecate all spirit of innovation which may weaken the supports that connect the different parts of this nation and Government and with you, I trust, that, under the protection of Divine Providence, the wisdom and virtue of our citizens will deliver our national compact unimpaired to a free, prosperous, happy, and grateful posterity. To this end it is my fervent prayer, that, in this city, the fountains of wisdom may be open and unobstructed, and that the stream of the blessings which Providence has poured upon us, may not be stopped by any obstacle which may be discovered, or which may be created by the hasty hand of the enterprising spirit of our citizens, or which may be thrown up by the improvements of the means of communication which Providence has placed in our hands. But, let us only to the examples of the living, in the members of Congress and officers of Government, for finished models all those virtues, graces, talents, and accomplishments, which constitute the dignity of human nature, and lay the only foundation for the prosperity or duration of empires.

JOHN ADAMS.

City of Washington, November 26, 1800.

On Thursday, November 27, 1800, the Speaker, attended by the House of Representatives, waited on the President of the United States, and delivered to him the following

ADDRESS:

To John Adams, President of the United States:

Sir:
The House of Representatives have received with great respect the communication which you have been pleased to make to the two Houses of Congress, at the commencement of the present session.

The final establishment of the Constitution of Government which has now taken place within the District of Columbia, is an event of no small importance in the political transactions of our country; and we cordially unite our wishes with yours, that this territory may be the residence of happiness and virtue.

Nor can we, on this occasion, omit to express a hope, that the spirit which animated the great founder of this city, may descend to future generations; and that the wisdom, magnanimity, and steadiness, which marked the events of his public life, may be imitated in the conduct of those who shall the enjoy the advantages which the Government of the United States has been established to confer. We wish to see the materials of the State of government, and the means of its support, placed in the hands of those who shall be called upon to administer the laws of the country.

A consideration of those powers which have been vested in Congress over the District of Columbia will not escape our attention; nor shall we forget that, in exercising these powers, a regard must be had to those events which will necessarily attend the capital of America.

The cheerfulness and regularity of the military forces; the condition of private citizens, is a testimony clear and conclusive of the purity of the motives which induced them to engage in the public service; and will remain a proof, on all future occasions, that an army of soldiers, drawn from the people of the country, will never be despicable or contemptible.

No subject can be more important than that of the judiciary, which you have again recommended to our consideration, and it shall receive our early and deliberate attention.

The constitution of the United States having confided the management of our foreign negotiations to the control of the Senate, I have no hesitation in recommending this important subject. And in respect to the negotiations now pending with France, we sincerely hope that the final result may prove as fortunate to our country as the most ardent mind can wish.

So long as a protracted war is carried on against our commerce, we should sacrifice the interests and disappointment the expectations of our constituents, should we not observe a moment, relax that system of maritime defence, which has resulted in such beneficial effects. At this period it is confidently believed that few persons can be found within the United States, who do not admit that a naval, well organized, must constitute the natural and efficient defence of this country against all foreign hostility.

The progress which has been made in the manufacture of arms, leaves no doubt that the public patronage has already placed this country beyond all necessary dependence on foreign markets for an article so indispensable for defence; and gives us assurances that, under the encouragement which Government will continue to extend to this important branch of industry, there shall soon rival foreign countries, not only in the number, but in the quality of arms completed from our own manufactories.

Few events could have been more pleasing to our constituents, than that great and rapid increase of revenue which has arisen from permanent taxes. Whilst this event explains the great and increasing resources of our country, it carries along with it a proof which cannot be resisted, that those measures of maritime defence which were calculated to meet our enemy upon the ocean, and which have produced such extensive protection to our commerce, were founded in wisdom and policy. The mind must, in our opinion, be insensible to the plainest truths, which cannot discern the true light of nature, who has placed our country. That national spirit, which alone could vindicate our common rights, has been roused, and those latent energies which had not been fully known, were unfolded and brought into view, and our fellow-citizens were prepared to meet every event which national honor or national interest might demand. Never have its effects been much less important in other respects.

Whilst many of the nations of the earth have been impoverished and depopulated by internal commotions and national contests, our internal peace has not been materially impaired; our commerce has extended, under the protection of our infant navy, to every part of the globe; wealth has flowed without interruption into our sea-ports; and the laborers of the country have been rewarded by a ready market for the productions of the soil.

Be assured, sir, that the various and important subjects recommended to our consideration, shall receive our early and deliberate attention; and, confident of your co-operation in every measure which may be calculated to promote the general interest, we shall endeavor, on our part, to testify, by our industry and despatch, the zeal and sincerity with which we regard the public good.
To which the President of the United States made the following reply:

Mr. Speaker, and Gentlemen of the House of Representatives:

Compelled by the habits of a long life, as well as by all the principles of society and government which I could ever understand and believe, to consider the great body of the People as the source of all legitimate authority, no less than of all efficient power, it is impossible for me to receive this address from the immediate Representatives of the American People, at this time and in this place, without emotions which it would be improper to express, if any language could convey them.

May the spirit which animated the great founder of this city descend to future generations; and may the wisdom, magnanimity, and steadiness, which marked the events of his public life, be imitated in all succeeding ages.

I thank you, gentlemen, for your assurance that the judiciary system shall receive your deliberate attention.

With you, gentlemen, I fully agree, that the great increase of revenue is a proof that the measures of maritime defense were founded in wisdom. This policy has raised us in the esteem of foreign nations. That national spirit and those latent energies which had not been and are not yet fully known to any, were not entirely forgotten by those who had lived long enough to see, in former times, their operation, and some of their effects. Our fellow-citizens were undoubtedly prepared to jump, every event which declare a sincere consciousness that the task is above my talents; and that a people, associated with those sacrifices and awful presents which the greatness of the charge, and the weakness of my power, so justly inspire. A rising nation, spread over a wide and fruitful land; traversing all the seas with the rich productions of their industry; engaged in commerce with nations who feel power and forget right; divisible rapidly to destinies beyond the reach even of the mental vision; and who then, in contemplation, and among the things, which, see the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties.

To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have past, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good.

All too will bear in mind this sacred principle, that, though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us then, fellow citizens, unite with one heart and one mind—let us restore to social intercourse that harmony and affection, without which, liberty, and even life itself, are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we yet remain too little aware of that political intolerance, as despotic, as wicked, and as capable of bitter and disastrous crimes, which would ensue if religious freedom were sacrificed in the name of liberty.

Friends and Fellow-citizens:

Called upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to long towards which declare a sincere consciousness that the task is above my talents; and that a people, associated with those sacrifices and awful presents which the greatness of the charge, and the weakness of my power, so justly inspire. A rising nation, spread over a wide and fruitful land; traversing all the seas with the rich productions of their industry; engaged in commerce with nations who feel power and forget right; divisible rapidly to destinies beyond the reach even of the mental vision; and who then, in contemplation, and among the things, which, see the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties.

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WASHINGTON, November 27, 1800.

JOHN ADAMS.

7th Congress.] No. 18.

INAUGURAL SPEECH OF PRESIDENT JEFFERSON,
DELIVERED AT A SPECIAL SESSION OF THE SENATE, ON WEDNESDAY, THE FOURTH OF MARCH, 1801.

friends and fellow-citizens:

Called upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to long towards which declare a sincere consciousness that the task is above my talents; and that a people, associated with those sacrifices and awful presents which the greatness of the charge, and the weakness of my power, so justly inspire. A rising nation, spread over a wide and fruitful land; traversing all the seas with the rich productions of their industry; engaged in commerce with nations who feel power and forget right; divisible rapidly to destinies beyond the reach even of the mental vision; and who then, in contemplation, and among the things, which, see the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties.

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WASHINGTON, November 27, 1800.

JOHN ADAMS.
with room enough for our descendants to the thousands and thousands generations; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and its greater happiness hereafter— with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more fellow-citizens: a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

7th Congress. No. 19. [1st Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, DECEMBER 8, 1804.

The Honorable the Speaker of the House of Representatives:

SIR:—The communications under which we find ourselves, at this place, rendering inconvenient the mode heretofore practised, of making by personal address the first communications between the Legislative and Executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had priory regard to the economy of the House, and for the time their relief from the embarrassment of immediate answers on subjects not yet fully before them; and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, Sir, to communicate the enclosed message, with the documents accompanying it, to the Honorable the House of Representatives; and pray you to accept, for yourself and them, the homage of my high respect and consideration.

TH: JEFFERSON.

December 8, 1801.

[A similar letter was transmitted to the President of the Senate.]

Fellow-citizens of the Senate and House of Representatives:

It is a circumstance of sincere gratification to me, that, on meeting the great council of our nation, I am able to announce to them, on grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations, have at length ceased. It is with a satisfaction that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound, with peculiar gratitude, to be thankful to him, that our own peace has been preserved, and our commerce restored. It is our duty to cultivate the friendship, and to practise and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposi-
EXECUTIVE PAPERS

Among our Indian neighbors, also, a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this domestical industry to the various rudiments of Indian labor; and, that I am enabled to announce that, instead of that constant diminution of their numbers, produced by their wars and their wants, some of them begin to experience an increase of population.

The year 1799 was a period of general peace; and the citizens of the United States have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands, unfounded either in right or in compact, and had permitted itself to denominate war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that Power of our sincere desire to be friendly, and a resolution of giving them a commencement of redress, should they refuse to consider the peace of the world as equal to the preservation of their own.

The Bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantic in peril. The arrival of our squadron at the entrance of Tripoli, made that port untenable; and the schooner Enterprise, commanded by Lieutenant Sterret, which had gone out as a tender to our larger vessels, was captured after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue, which makes us seek their peace; but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated, with its crew. The Legislature, however, was doubtless authorized to take measures for the protection of foreign interests, and for an equal footing with that of its adversaries. I communicate all material information on this subject, that, in the exercise of this important function, confided by the constitution to the Legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

The situation of the State of Virginia is not peculiarly satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of departure from stipula- tions, and the right to have our vessel restored to us, before the expiration of the time we had laid down, whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force over vessels in their own ports; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I have before you the result of the census lately taken of our inhabitants, to a conformity with which we are now to reduce the ensuing ratio of representation and taxation. You will perceive that the increase of numbers, during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect held up to us, not with a view to injure any inhabitant or its dependents, as an equal footing with that of its adversaries. I communicate all material information on this subject, that, in the exercise of this important function, confided by the constitution to the Legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

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siderably short of the present military establishment. For the surplus, no particular use can be pointed out. For defence against invasion, their number is as nothing nor is it considered useful or safe that a standing army should be kept up, in a country where as we may find an enemy to be expected or an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighboring citizens, as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely, not only to meet the first attack, but to overawe the enemy into submission. It is true, inconvenience may be regulated by the law, but considerations render it important that we should, at every session, continue to amend the defects which, from time to time, show themselves, in the laws for regulating the militia, until they are sufficiently perfect: nor should we now, or at any time, separate, until we can say we have done every thing for the militia which we could do, were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted, for actual service, in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigency calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships, as directed by law.

How far the authority given by the Legislature for procuring and establishing sites for naval purposes, has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject is now laid before you. I have, in certain cases, suspended or slackened those expenditures, that the Legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on: and live of the seven triges directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the Executive administration, as well as of its agents, and where yourselves also will be guided by your own view, in the legislative provisions respecting them, which may, from time to time, be necessary. They are preserved in such condition, as well to be at times ready for sea on a short warning. Two others are yet to be laid up, so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the Executive, will be more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within; others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, as far as may be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving, when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If, in the course of your observations or inquiries, they should appear to need any aid, within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will, of course, present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worth your consideration whether the protection of the insalubrious institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider the manner in which the practical security is secured in those States where they are named by a marshal depending on Executive will, or designated by the court, or by officers dependent on them.

I cannot omit recommending a revival of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years, is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement, by many of these States, and still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress, that hospitality which is the birthright of the land we hail? Shall the poor travelers arriving at our shores have no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortunes permanently with us with restrictions, perhaps, to guard against the fraudulent usurpation of our flag—an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it.

These, fellow-citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others, of less extent, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our Government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor will I tarry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and, by its example, will encourage among our constituents that progress of opinion, which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially confine in honest and disinterested efforts, which have for their object to preserve the General and State Governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of government, morally and intellectually, to be favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of Government.

TH: JEFFERSON.

December 8, 1801.
To the Senate and House of Representatives of the United States:

When we assemble together, fellow-citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing considerations which mark the generous and virtuous spirit in whose favor they flow, and the heart of spirit which we, thankfulness we owe for his bounty. Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion, at home; good affection and harmony with our Indian neighbors; our burthens lightened, yet our income sufficient for the public wants; and the produce of the year great beyond our highest anticipations. These circumstances, with especial satisfaction, those which, under the smiles of Providence, result from the skill, industry, and order, of our citizens, managing their own way, and for their own use; unequaled by two much regulation, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share during the war, was abridged by the returning competition of the belligerent Powers. This was to be expected, and was just. But, in addition, we find, in some parts of Europe, monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing animosities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calcula-tions of interest defeat our hope, it rests with the Legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

The cesation of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the Legislature connected with that subject.

There was reason, not long since, to apprehend that the war in which we were engaged with Tripoli, might be taken up by some other of the Barbary Powers. A reinforcement, therefore, was immediately ordered to the ves-sels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea, with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of the port, and the want of vessels on our part, has prevented some cruises to be unobserved; and that of one of these an American vessel unfortunately fell a prey. The capture, one American seaman, and two others of color, remain prisoners with them, unless exchanged under an agreement formerly made with the Bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the State of Georgia has been ratified by their Legislature, and a re-purchase from the Creeks has been consequently made of a part of the Talahasse county. In this purchase has been also comprehended a part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them, and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole within a short time. The country to which their title had been extinguished before the Revolution, is sufficient to receive a very respectable population, which Congress will probably see the expediency of holding, so as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbours, and distant from its support. And how far that monopoly, which prevents population, should here be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement, too, of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indiana territory which includes Vincennes, the lines settled with the neighboring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length parallel with, and including, the Wabash. They have also ceded a tract of four miles square, including the salt springs near the mouth of that river.

In the department of finance, it is with pleasure I inform you that the receipts of external duties, for the last twelve months, have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of Government; to pay from the Treasury, within one year, upwards of eight millions of dollars, principal and interest, of the public debt, exclusive of upwards of one million paid by the sale of bank stock, and making, in the whole, a reduction of nearly five millions and a half of public debt, and a large surplus, which is to be applied to the further discharge of debt, and current demands. Experience, too, so far, authorizes us to believe, if no extra-ordinary event supervenes, and the expenses, which will be actually incurred, shall not be greater than were contemplated by Congress, at their last session, that we shall not be disappointed in the expectations then formed. But, nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in the four Months next last, the officers employed in it are, of course, no longer necessary. But in a few, where the arrangements for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent, authorized by an act of the last session, for transacting business in Europe, relative to debts and loans. Not having received from him any information by the negotiation of foreign debt by re-loans, and of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittance on so large a scale, render it necessary at any time, the power shall be executed, and the money, thus unemployed abroad, shall, in conformity with that law, be faithfully applied here, in an equivalent extinguishment of the debt. When he thus shall have discharged, we have two reasons to expect good service from Economy, in avoiding false objects of expense, we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments towards the discharge of our public debt, and the emancipation of our posterity from that mortgaged encumbrance it is an encouragement.

fellow-citizens, of the highest order, to proceed, as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different cir-cumstances. And, whenever we are destined to meet events which shall call forth the energies of our country-
men, we have the firmest reliance on those energies, and the comfort of leaving for calls like these, the extraordinary resources of loans and internal taxes. In the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the arrears which, from a growing fund, still further to lessen the necessity of recurring to extraordinary resources.

The usual account of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the Secretary of the Treasury.

Presuming Congress, in its usual course, to communicate to you its decisions, and to present its views of the state of our national finances, and the necessities of the public service, you will have before you, in the publication of these messages, the usual view of the financial transactions of the government.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will, doubtless, think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the Secretary of the Navy, for another year, will, in like manner, be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers; and the uncertain tenure of peace with some other of the Barbary Powers, may, eventually, require that force to be augmented. The necessity of procuring some smaller vessels for that service, will raise the estimate, but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend, annually, a convenient sum towards providing the naval defense which our situation may require, I cannot but recommend that the first appropriations for that purpose may go to the saving which we are already assessing. No cares, no attentions, can preserve vessels from rapid decay, which lie in water, and exposed to the sun. These decay require great and constant repairs, and will consume, if continued, a great portion of the moneys destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy yard here, a dock, within which our present vessels may be laid up dry, and under cover from the sun. Under these circumstances, experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water, which this situation possesses, at heights far above the level of the tide, if employed, as is practised for lock navigation, furnishes the means for raising and laying up our vessels, and keeping them in a fresh and sheltered bed. And, should the measure be found useful here, similar depositories for laying up, as well as for building and repairing vessels, may, hereafter, be undertaken at other navy yards, offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay; and, from these, it will be seen, that scarcely more than has been the cost of one vessel, is necessary to save the whole, and that the annual sum to be employed towards its completion, may be adapted to the views of the Legislature, as to naval expenditure.

To cultivate peace, and maintain commerce and navigation, in all their lawful enterprises; to foster our fisheries as nurseries of navigation, and for the nurture of man, and protect the manufactures adapted to our circumstances; to conserve and promote the health of the nation by an exact discharge of its debts and contracts; expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burthens; to keep, in all things, within the pale of our constitutional powers, and cherish the Federal Union, as the only rock of safety these, fellow-citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these the rule of our action, we shall endure to our countrymen the true principles of their constitution, and promote an union of sentiment and of action, equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

13th December, 1802.

TH.JEFFERSON.

[8th Cong.] No. 21. [1st Session.]

MESSAGE OF PRESIDENT JEFFERSON.

COMMUNICATED ON MONDAY, OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:

In calling you together, fellow-citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible, to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these, will supersede, in your minds, all private considerations.

Congress, witnessed, at their late session, the extraordinary agitation produced in the public mind, by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made, according to treaty. They were sensible, that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress; but, reposing just confidence in the good faith of the Government whose official and national duty it was to attend the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed, whilst so important a key to the commerce of the western country remained under foreign power. Difficulties too were presented to themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possesssions in that quarter, interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for, by the President of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened Government of France saw, with just discernment, the importance, both to our own, and to the other powers, as well, of liberating the navigation of the Thames, which had been restored to them, has, on certain conditions, been transferred to the United States, by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will, without delay, be communicated to the Representatives for the exercise of their functions, as to those circumstances. Here I am within the powers vested by the constitution in Congress. Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States, and an uncontrolled navigation through their whole course, free from collision with other Powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent to be maintained by our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

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With the wisdom of Congress it will rest, to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the changes complete that are requisite to secure the rights of the property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before Congress, to whom it shall be my duty to consider your exertions.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians, with which we have never had a difference, reduced by the wars and want of savage life, and able to engage more readily in the pursuits of peace, have their title confirmed, and their lands, with those of the United States, reserved only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated for, that we shall extend to them our patronage and protection, and give them certain annual aids, in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile of our western territories, is situated from the Mississippi to the Ohio, and extends northwards an extent, which, though it is not necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, because its inhabitants may descend with rapidity in support of the lower country, should future circumstances make it necessary. It is also laid open to the commerce of both Houses only, it will be laid before Congress as soon as the Senate shall have advised its ratification.

With many of the other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all, our peace and friendship are established on grounds much firmer than heretofore. The measures adopted, of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities, at such moderate prices as leave no gain, but cover us from loss, has the conciliatory and useful effect on them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress, with a view to the Mediterranean service, have been sent into that sea, and will be able more effectually to confine the Tripolitaine cruisers within their harbors, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground, in the northeastern and northwestern angles of the United States, has convinced that the boundaries, established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to make it easy to enforce the claims of either side of the boundary. We have, therefore, relinquished the harmony and useful intercourse subsisting between the two nations, to remove, by timely arrangements, what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarcation of those limits to be determined by the commissioners of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the Secretary of the Treasury, so soon as the receipts of the last quarter shall be returned from the most distant States, announcing that the amount paid into the treasury, for that year, has been between eleven and twelve millions of dollars, and that the revenue accrued from the same, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid, for the same year, is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars, of the principal of that debt, besides the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first installment due under the British convention of January 9th, 1817; and two millions are what have been before mentioned as placed by Congress under the power and accountability of the President, towards the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be refunded for that purpose.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we consider the annual increase of our national wealth, and of impost, from increasing population and trade, the augmentation of the same revenue, by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress, in reviewing their resources, will find means to meet the immediate interest of the nation, and also provide for a reduction of our debts. The increase of our revenue, its extraordinary increase in times of foreign war, will be the proper and sufficient fund for any measures of safety or precaution, which that state of things may render necessary in our national position.

Requisitions for the instamants of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power, given by a former act of Congress, of continuing them by re-joins, and of redeeming, instead thereof, equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

A sum of fifty thousand dollars, appropriated by Congress for providing gun boats, remains unexpended. The favorable and peaceable turn of affairs, on the Mississippi, rendered an immediate execution of that law unnecessary; and time was desirable, in order that the institution of that branch of our force might begin on models the most approved, and free from the miseries which we have been guilty of, and which render it useless to learn the kind. It is our task to be wise and inspiring with wisdom and moderation our late legislative councils, while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on, and to pity its ravages. These will be heavier on the heads of those who have been so over-mighty and so partial, and on the hands of those who have been so unwisely and so unmercifully and unnecessarily involved in that conflict, let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice; and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to inroads to establish in our harbors such vessels as may be necessary to restrain our citizens from embarking in violently a war, in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, inflicting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs, in which the belligerency on each side shall be an object. It is, in my opinion, our duty to the preservation of our commercial and friendly relations with all the people and nations which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course, with our citizens in all places, and properly to prepare, if their acts should render it necessary for us to act, for the reparation of any injuries which may be committed by them which threaten to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them, and theirs to us, the commerce, and trade, of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular
blessings of the position in which nature has placed us, the opportunity she has endowed us with, of pursuing, at a distance from foreign contentions, the paths of industry, peace and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpire of reason rather than of force. How desirable then must it be, in a Government like ours, to see its citizens adopt individually the views, the interest, and the conduct, which their common and permanent views divest them of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions towards the observance of neutral conduct; that you will be in the body armor before as in the armor of commiseration, indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions, in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests, now committed to you, will give you an opportunity of providing, and myself that of approving and of carrying into execution with the fidelity I owe to my country.

TH: JEFFERSON.

October 17, 1803.

[8th Congress, 2d Session]

No. 22.

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON THURSDAY, NOVEMBER 8, 1804.

To the Senate and House of Representatives of the United States:

To a People, fellow-citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well being is advanced by that of the nations with which they have intercourse; it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting, has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. To a People, whose country is not now, which cannot pursue by the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions.

But, in the American wars, they have been greater, from pecuniary causes; and, even within our harbors and jurisdiction, infringements on the authority of the laws have been committed, which have called for serious attention. The friendly conduct of the Governments from whose officers and subjects some acts have proceeded, in other respects, and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Unhappy events have occurred, that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain parts and countries, in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own, is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was mediated, in the mean time, inconsistent with the peace and friendship existing between the two nations; and that, conformably to these intentions, would be the execution of the law. That Government, however, had thought proper to ratify the convention of the 8th of May, 1802. But the explanations, which would reach them soon after, and still more the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you, that the objections which had been urged by that Government against the validity of our title to the country of Louisiana, have been withdrawn—its exact limits, however, still remaining to be settled between us. And to this is to be added, that, having prepared and delivered the stock created in execution of the law of February 10, 1803, in consideration of the cession of that country, we have received from the Government of France an acknowledgment, in due form, of their consent to the cession of it, in full satisfaction of all stipulations. With the nations of Europe, in general, our friendship and intercourse are undisturbed; and, from the Governments of the belligerent Powers, especially, we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices, consistent with that, as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves as well as to others interested, from the delay which is too long to bring for adjudication, and from the impracticability of bringing bither such as are not seaworthy.

The Bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate with them, a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them also, whether to retire from unjust demands will not cost them less than a war.

We can do to each other very sensible injuries by war; but the loss of intercourse and opportunity that is the best interest of both.

Peace and intercourse with the other Powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time to commence the exercise of their functions on the first day of October.

The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts. The form of government thus provided, having been considered but as temporary, and open to such future modifications as further information of the circumstances of our brethren there might suggest, it will, of course, be subject to your revisions.

In the district of Louisiana, it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provisions of the law, and so soon as they can be at their stations, that district will also be in its due state of organization. In the mean time, their places are supplied by the officers before commanded, and the functions of the governor and judges of Indiana having commenced, the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal as to merit attention.

The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding, and neighborly relations between us. So far as we have
yet learned, we have reason to believe that their dispositions are generally favorable and friendly. And, with these dispositions on their part, we have in our own hands means which cannot fail us, for preserving their peace and friendship. By pursuing an uniform course of justice towards them; by aiding them in all the improvements which may better their condition; and especially by establishing a commerce on terms which shall be advantageous to them, and by encouraging them to adopt the habits of industry which may render them productive of a proper support, we may render ourselves necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members, will become their interest and voluntary care. Instead, therefore, of an augmentation of military force, proportioned to our extension of frontier, I would propose an extension of our commerce, in the employment of a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares. That is, an acquiescence in extinguishing in their people the spirit of hunting, and to convert superficial lands into the means of improving what they retain, have ceded to us all the country between the Wabash and Ohio, south of, and including, the road from the Rapids towards Vincennes: for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as, fronting three hundred miles on the Ohio, and near half that on the Wabash, the produce of the settled country descending those rivers will no longer pass in review of the Indian frontier, but in a small portion; and, with the cession heretofore made by the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable brethen, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet them that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both Houses.

The act of Congress, of February 28, 1805, for building and employing a number of gun boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns, their utility towards supporting within our waters the authority of the laws, the promptness with which they will be manned by the seamen and militia of the place in the moment they are wanting, the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary, the economy of their maintenance and preservation from decay, when not in actual service, and the competence of our finances to this defensive provision, without any new burthen, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number, from year to year, as experience shall test the utility and necessity of all our important harbors, by these and auxiliary means, shall be secured against insult and opposition to the laws.

No circumstance has arisen, since your last session, which calls for any augmentation of our regular military force. Should any improvement of our naval force be thought necessary, the funds will be forthwith provided for it.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will, as usual, be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending on the thirtieth of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay three millions six hundred thousand dollars of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upwards of twelve millions of the principal, and a greater sum of interest, within that period, and by a prudence and prudence, already sensible the effect of the growing sums yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year, exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upwards of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the further redemption of the funded debt as rapidly as had been contemplated.

These, fellow-citizens, are the principal matters which I have thought it necessary, at this time, to communicate for your consideration and attention. Some others will be laid before you in the course of the session. But, in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation.

Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of our constitution, the powers provided be aided in any of their relations? whether laws are provided in all cases where they are wanting? whether those provided are exactly what they should be? whether any abuses take place in their administration or in that of the public revenues? whether the organization of the public agents or of the public force, is perfect in all its parts? in fine, whether in our system of national government can be found the harmony of your functions, which will necessarily occupy your attention. In these and all other matters, which you, in your wisdom, may propose for the good of our country, you may count with assurance on my hearty cooperation and faithful execution.

TH: JEFFERSON.

November 8, 1804.

9th Congress.] No. 23.

INAUGURAL SPEECH OF PRESIDENT JEFFERSON,
DELIVERED IN THE SENATE CHAMBER ON MONDAY, MARCH 4, 1805.

Proceeding, fellow-citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow-citizens at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy the just expectations.

On addressing this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of one, and landed mine.

That it is the object of my administration, to encourage and cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced that we act on that conviction, that with nations, as with individuals, our interests, soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is trusted on its word, when recourse is had to armaments and wars to broil others.

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, and an administration of our foreign affairs, an abandonment to continue our internal taxes. These, covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of property and produce. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not
have paid the officers who collected them, and because, if they had any merit, the State authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles is paid chiefly by those whom it affords to and foreign to the nation, his domestic connections. Being collected on our seashore and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support our national annals of the Government, to fulfill contracts with our citizens, the native right of soil within our limits, to extend these limits, and to apply such a surplus to our public debts, as places at a short day their final redemption; and that redemption, once effected, the revenue thereby liberated may, by a just partition of it among the States, and a corresponding amendment of the constitution, be applied, in kind of peace, to rivers, canals, roads, harbors, internal improvements, the limits within which the States themselves, or others, must sometimes produce war,—increased as the same revenue will be by increased population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the war, by a judicious distribution of it, and without borrowing. War will then be but a suspension of useful works, and a return to a state of peace a return to the progress of improvement.

I have said, fellow-citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the mean time may keep down the accruing interest; in all events, I trust it will be found that the revenue of Louisiana is itself the prospect of a large surplus, from a candied apprehension that the enlargement of our territory would endanger its Union. But who can limit the extent to which the federal principle may operate effectively? The larger our association, the less will it be shaken by local passions; and to any one else it is not better that the support of the government of the Mississippi should be settled by our own brethren, than by strangers of another family? With which should we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the General Government. I have therefore undertaken, on no occasion, to prescribe the religious exercises among us; but have left them, as the constitution found them, under the direction and discipline of the State or church authorities, acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed by nature with talents and virtues, and an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of over-population from other regions directed itself on these shores; without power to divert, or habits to contend against it, they have been overwhelmed by and lost to the world. But to the latter state, the government and its agents should teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which, to bodily comforts, adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of agriculture, and other instrum ents in the arts of first necessity; and they are covered with the agis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to extinguish the fires of their present opinions, and the customs with which its stationary circumstances, have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the present system, with a view to have done that for the latter that the government may be enabled to advance under its counsel in their physical, moral, or political condition, is perilous instruction; that their duty is to remain as their creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them also is seen the action and counteraction of good sense and of bigotry; they too have their anti-philosophical and anti-republican divines, who affect to see danger in their present state, which they should have been taught in their faculties to maintain the ascendency of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines, I do not mean, fellow-citizens, to arrogate to myself the merit of the measures. That is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for us; and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the Executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levied against us. Ascribe to natural causes, to the attacks of enemies, to the effect of foreign influence in this country or dare. Whatever are the causes, I have been able, in the course of its statute, with the aid of its adherents, to remove the difficulties which it has experienced. I have been able, I trust, to advance under its counsel in their physical, moral, or political condition, is perilous instruction; that their duty is to remain as their creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them also is seen the action and counteraction of good sense and of bigotry; they too have their anti-philosophical and anti-republican divines, who affect to see danger in their present state, which they should have been taught in their faculties to maintain the ascendency of habit over the duty of improving our reason and obeying its mandates.

Nor was it interesting to the world that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth? whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unjust to blame, will, without the sensible, which is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for us; and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the executive functions. Complementing the union of government now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those, too, not yet rallied to the same spirit, the disposition to do so is gaining strength; facts are piercing through the veil drawn over them; and our doubts brocnen at length see, that the mass of their fellow-citizens, with whom they cannot yet resolve to act, as to principles of government, they will resist the execution of the laws, the truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint. The public judgment will correct false reasonings and opinions on a full hearing of all parties; and the justice of the country will still be the unifying liberty of the press and its demoralizing licentiousness. If there be still insecurities which this rule would not render more rational, it will be sought for in the spirit of the Constitution of the country.

But I shall now enter on the duties to which our fellow-citizens have again called me, and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray. I am sensible of no passion which could seduce me unknowingly from the path of justice. But the weaknesses of human nature...
and the limits of my own understanding will produce errors of judgment, sometimes injurious to your interests. I shall need therefore all the indulgence which I have heretofore experienced from my constituents; the want of it will certainly render my labors useless. If I have failed, my friends, in some of the more serious duties of my office, it has been through no want of zeal on the part of our fathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with his providence, and our ripening years with his wisdom and power; and to whose goodness I ask you to join in supplications with me, that he will so enlighten the minds of your constituents, and impress upon them the principles, that however they do shall result in your good, and shall secure to you the peace, friendship, and approbation, of all nations.

TH. JEFFERSON.

9th CONGRESS.  No. 24. [1st Session.]

MESSAGE OF PRESIDENT JEFFERSON,

COMMUNICATED ON TUESDAY, DECEMBER 5, 1805.

To the Senate and House of Representatives of the United States of America:

At a moment when the nations of Europe are in commotion, and arming against each other; when those with whom we have principal intercourse are engaged in the general contest; and when the countenance of some of them toward the United States is a menace, it is not too much to say that the safety of those instruments, on which a meeting of the Representatives of the nation in both Houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs, which the will and the wisdom of the whole will approve and sustain.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever which, in latter times, has occasionally visited our shores. Providence, in his goodness, gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to cities and on the tide waters only, incommunicable in the country, either by persons under the disease, or by goods carried from diseased places; that it has access with some caution, and it disappears with the early frosts. These restrictions within narrow limits of time and space give security, even to our maritime cities, during three fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet, to satisfy the fears of foreign nations, and cautions on their part, not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined the authorities of all the ports and officers at the head of the customs to certify, by a special truth, for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained from a propensity to indiscretion with this endemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the State authorities, charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the States should be found to need no present revivish by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting, the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured, in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off, under pretense of legal adjudication; but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence can be given of the acts which are treated as just, and abandoned the boats, and left their crews without food or covering. These enormities appearing to be unreached by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to its own commerce, and on its own account, any thing which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral, having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine that turns injuries on the rights of peaceful nations. Indeed, the confidence we ought to have in the justice of others still contemplates the hope that a sounder view of those rights will, of itself, induce from every belligerent a more correct observance of them.

With Spain, our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during a former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims, in nowise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things, by taking new posts, or strengthening ourselves in the disputed territories, in the hope that the other Power would, by a contrary conduct, oblige us to meet their example, and endanger confide of authority, the issue of which, from the state of the nation, is so important. But in the hope that we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi; our citizens have been seized, and their property plundered, in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that Government. I have therefore found it necessary, at length, to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication. In reviewing these injuries from some of the belligerent Powers, the moderation of the former has been much in their favor, but that of the latter will all be called into action. We ought still to hope that time, and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unpro-
fiatable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peacable remedy. Where that is competent, it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances may suggest, and that the public works of the coast towns be not already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these, it is desirable we should have a competent number of gun-boats; and the number, to be competent, must be considerable. If immediately begun they may be in full, and act upon them. Whether it shall be expedient to arm the whole force of the coast, or to divide it into parts, the decision is left to the prudent judgment of the commander in the field, which will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient, for a state of peace as well as of war, to organize or class the militia as would enable us on any sudden emergency, to call for the services of the number of men engaged in the old and those men who have already boded men, between the ages of eighteen and thirty; after a lapse of three years, which the last census shews we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces after the necessity of them should require it. The early production of all its active service, cannot but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active forces near the coast, and the levy from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of the ships of the treaty squadron. These materials are on hand, subject to the further will of the Legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow-citizens who were stranded on the coast of Tripoli and made prisoners of war. In a government bottomed on the principles on which the life and liberty of every individual citizen become interesting to all. In the treaty, there fore, which has concluded our warfare with that State, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and others engaged for the occasion, in conjunction with the troops of the ex-Illahau of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the coast of Tripoli, I would recommend to your notice and consideration. There presented opportunities of which the officers and men of our squadron, destined for Tripoli, would have availed themselves, to emulate the acts of valor exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction that some favorable occasion may offer for such a performance, I think it would be an useful encouragement, as well as a just reward, to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants.

With Tunis, some misunderstandings have arisen, not yet sufficiently explained; but friendly discussions with their legation, we have arrived at a mutual understanding, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these. So that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still, it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law providing for a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace, and prescribe that they shall be manned by not more than two-thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two-thirds only of her proper complement of men, must depend upon the services which she is engaged in, and her situation as an object, require her fullest complement. Inadvertent to this subject, Congress will, perhaps, consider whether the best limitation on the Executive discretion in this case, would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions often arise for the employment of small than of large vessels and it would be expedient to have a provision as to this subject, and in the circumstances of the times, the limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit, and others beginning to engage, in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest from time to time to dispose of parts of their surplus and waste lands for the purposes of improving those they occupy, and of subsisting their families while they are preparing and engaging in those pursuits. We have sold to them the lands on the Illinois, including the whole area of the present Indiana territory, and the former Indian boundary; and those on the Ohio, from the same boundary to the Rapids, and for considerable depth inland. The Chickasaws and Cherokees have sold us the country between, and adjacent to, the two rivers, of which they have some lands in common with the Choctaws, up to the Ucadochatee. The three former purchases are important, insomuch as they consolidate disjunct parts of our possessions, and render their intercourse secure; and the second particularly so, as, with the small point on the river which we expect is by this time ceded by the Plankeswalls, it completes our possession of the whole of both banks of the Ohio,istro active postures that near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters. The purchase from the Creeks, too, has been for so time particularly interesting to the state of Georgia.

The tribes which have been mentioned will be submitted to both Houses of Congress for the exercise of their respective functions.

Deputations now on their way to the seat of government from various nations of Indians, inhabiting the Missouri and other parts beyond the Mississippi, come charged with assurances of their satisfaction with the new relations in which they have entered with us, and their dispositions to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us.

A state of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated as soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury, during the year ending on the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the public debt, and four millions of interest. These products, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by act of November 10, 1803, authorized us to borrow one million seven hundred and fifty thousand dollars towards meeting the claims of our citizens assumed by the convention with France. We have not however made use of this authority; because the sum of four millions and a half, which remained in the treasury on the 30th of last, is sufficient to meet the demand which we made for the year, besides paying the annual sum of eight millions of dollars, appropriated to the funded debt, and meeting all the other claims which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars, required by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should this concurrent use of armed and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance that I will exert my best endeavors to administer faithfully the Executive department, and will zealously co-operate with you in every measure which
May 25, 1806.

MESSAGE OF PRESIDENT JEFFERSON.

Communicated on Tuesday, December 2, 1806.

To the Senate and House of Representatives of the United States of America in Congress assembled:

It would have given me, fellow-citizens, great satisfaction to announce, in the moment of your meeting, that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special despatches to the different parts of our extensive territories, inviting them to make a friendly accommodation, and at the same time to prepare for the issues of war, should those efforts fail. I thought it necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

December 3, 1806.

TH. JEFFERSON.

9th Congress.]
No. 25. [3d Session.

EXECUTIVE PAPERS.

[1806.]

may tend to secure the liberty, property, and personal safety, of our fellow-citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive the aid which I can give for the despatch of public business, and an account of all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.
The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence which the happiest approbation, has not been equally successful. After proceeding a little upwards of a hundred miles, nearly as far as the French settlements had extended, while the country was in their possession, our geographers were obliged to return without completing their work.

The receipts at the treasury, during the year ending on the thirtieth day of September last, have amounted to near fifteen millions of dollars; which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana, to pay, of the funded debt, upwards of two millions; the interest, and the current taxes, the present month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will, at the close of the present year, bring the whole annual payments, without participation in the principles of the public creditors, to about three and a half millions.

The duties composing the Mediterranean fund will cease, by law, at the end of the present session. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, both as necessary, and as a matter of节——and I make no exception in this respect, if it shall become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall, in this way, be relinquished, there will still, ere long, be an abundant supply of annual revenues, sufficient to the interest of the funded debt, and the complete liberation of our revenues, the most desirable of all objects: nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward, to what other objects shall these surplusities be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufacturers? On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles, on which impost is paid, are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance, and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitution. By these objects, new channels are opened, by which we shall be able to extend the commerce and intercourse between the States; the lines of separation will disappear; their interests will be identified, and the usefulness of the country increased by new and indissoluble ties. Education is here placed among the articles of public care; not that it would be proper to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns in which business and personal profit are alone sought; but the support of the schools, which are essentially for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved, it will require an act of the States, extending this extension of the Federal trusts, and the execution of these funds, which can be done only by fundamental laws, and other arrangements made for their execution, which cannot be done except by the constitution. I say nothing of the necessity of public education. I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public monies to be applied.

The present consideration of a national establishment for education particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring, for its own purposes, the resources destined for them.

This, fellow-citizens, is the state of the public interests at the present moment, and according to the information now before us from Europe, as well as the information of the last month, we are sufficiently prepared to meet with some of them, that we cannot rely with certainty on the present aspect of our affairs, that may change from moment to moment, during the course of your session, or after you shall have separated. Our duty is, therefore, to make a reasonable provision for whatever they may be. We are armed to be raised whenever a speck of war is visible abroad, and our resources, or at least the great part of them, which may always be ready, yet never preying on our resources until actually called into use. They will maintain the military and naval power, while a more permanent force shall be in a course of preparation. But much will depend on the promptitude with which our productions shall be conveyed into activity of the effects of war, and how well the long and vain appeals to the justice of nations, rapid and vigorous movements, in its outset, will go far towards securing us in its course and issue, and towards throwing its barthems on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also, on our western frontier, as may shew whether war is to be pressed there, while negotiation is still pursued, is, shall be communicated to you from time to time, as they become known to me, with whatever information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

TH: JEFFERSON.

December 2, 1806.
10th Congress.]
No. 26.
[1st Session.

MESSAGE OF PRESIDENT JEFFERSON,
COMMUNICATED ON TUESDAY, OCTOBER 27, 1807.

To the Senate and House of Representatives of the United States:

Circumstances, fellow-citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace, so much cherished in the bosoms of our citizens, which has been strengthened by the experience of the councils and conduct of our predecessors, may not ensure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation, upon the high seas, for years past, the successive innovations on those principles of public law to which we subscribe, the reason and usage of nations as the rule of their intercourse, the demands and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might embrace and settle all the points in difference between us, which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their Government, therefore, could not be pledged for ratification. Some of the articles proposed, might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made for the principal force of the irritations and collisions which were constantly endangering the peace and security of the two nations. The question, therefore, whether a treaty should be accepted in that form, could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed, and further concessions authorized, than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on these points. On this new reference to amicable discussion we were reposing in confidence, when, on the twenty-second day of June last, by a formal order from a British admiral, the frigate Chesapeake, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgence of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens, with an emphasis and unanimity never exceeded, and immediately by proclamation, interdicted our harbors and waters, all British armed vessels, forbade intercourse with them, and, uncertain how far hostilities were intended, and the town of Norfolk, indeed, being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued, as the prospect rendered proper. An armed vessel of the United States was dispatched with instructions to our ministers at London to call on that Government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which will be communicated to you as soon as received. Then, also, or as soon after as the public interests shall be found to admit, the unwise and injurious treaty, and the understandings relative to the passage of vessels, which has been concluded, has been continued on the part of the British commanders, by remaining within our waters, in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggressions necessarily lead to the policy, either of never admitting an armed vessel into our harbors, or of maintaining, in every harbor, such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests; but the expense of such a standing force, and its inconsistency with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we do the army, of a foreign Power, from entering our limits.

To former violations of maritime rights, another is now added, of very extensive effect: the Government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them; and, being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate. Our old and friendly commerce to the Orient remains still unsettled, no measure having been taken on her part, since my last communications to Congress, to bring them to a close. But, under a state of things, which may favor reconsideration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders, no new collisions have taken place, nor seem immediately to be apprehended. To our former grounds of complaint, has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French Government, of November twenty-second, of a date not three thousand three hundred and six, herefofe communicated, will also be confirmed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communications. These, however, gave reason to expect such a conformity. With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several States on the coast of Barbary appears as firm as at any former period, and as likely to continue as that of any other nation.

Among our Indian neighbors, in the northwestern quarter, some fermentation was observed, soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for preventing against that danger; instructions were given to require explanations, and a commission of our officers of state, with other influential persons, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us, and to their peace with all others. No sufficient reasons remote do not present appearances sufficiently quiet to justify a suspension of the military precaution on our part.

The great tribes on our southwestern quarter, much advanced beyond the others in agriculture and household arts, appear tranquil, and identifying their views with ours, in proportion to their advancement. They possess the whole of the arts and accommodations which belong to all the delicacies and refinements of life; and all the wealth, friendship, and love of their neighbors, and perseverance in those occupations and pursuits which will but promote their own well being.

The appropriations of the last session, for the defence of our sea-port towns and harbors, were made under expectations of another invasion; and we are instructed, by the same event, to proceed with additional vigor and expense. It has been thought better to apply the sums then given, towards the defence of New York, Charleston, and New Orleans, chiefly, as most open and most likely first to need protections and to leave places less immediately in danger to the provisions of the present session.
The gun boats, too, already provided, have, on a like principle, been chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the Legislature. For the purpose of manning these vessels, in sudden attacks on our harbors, it is a matter for consideration, whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty, in defense of the harbors where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores, with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law, would have been despotic. It might not be in the power of a majority, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us; and I trust that the Legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if their assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service, for the defense of our harbors, of all which, accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the meantime, I have called on the States for quotas of militia, to be in readiness for present defense; and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity, in every part of the Union. They are ordered to be organized, and ready at a moment's warning, to proceed on any service to which they may be called; and every preparation within the Executive powers has been made, to ensure us the benefit of early exercises.

I informed Congress, at their last session, of the enterprises against the public peace, which were believed to be in preparation by Aaron Burr and his associates; of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated, by the patriotic exertions of the militia, whenever called into action, by the fidelity of the army, and energy of the commander-in-chief, in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots engendering there. I shall think it my duty to lay before you the proceedings, and the evidence publicly exhibited on the arraignment of the offenders before the Supreme Court of the State of Virginia. You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found, the Legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their Government against destruction by treason, as their citizens against sedition; under such emergency, if these ends are not attained, it is of importance to inquire by what means, more effectual, they may be secured.

The accounts of the receipts of revenue, during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury. In the meantime, it is ascertained that the receipts amount to near six millions of dollars. The Treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law, and of our contracts, and have left us in the treasury eight millions and a half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debt, as they shall become payable, will remain without any specific object. It may partly, indeed, be applied towards completing the defence of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is, doubtless, among the first entitled to attention, in such a state of our finances, and it is one which, whether we have peace or war, will ever be acceptable to our citizens. In pursuit of this object, the President of the United States, may be useful to those already authorized; or, more usefully, to others requiring new authorities; or, otherwise, they shall be disposed of, are questions calling for the notice of Congress; unless, indeed, they shall be superseded by a change in our public relations, now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the Supreme Council of the Nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

My remarks will be instructive, and will be the subjects of future communications; and nothing shall be wanting on my part, which may give information or despatch to the proceedings of the Legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

TH: JEFFERSON.

October 27, 1807.

10th Congress.)
No. 27. (3d Session.

MESSAGE OF PRESIDENT JEFFERSON, COMMUNICATED ON TUESDAY, NOVEMBER 8, 1808.

To the Senate and House of Representatives of the United States:

It would have been a source, fellow-citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had abandoned the base policy of the past. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective Governments there, our disposition to exercise the authority in such manner as would withdraw the pretext upon which such the aggregations were originally founded, and open the way for a re-admission of our commercial intercourse which it was alleged, on all sides, had been reluctantly obstructed. As each of those Governments had pledged its readiness to concur in renouncing a measure, which reached its adversary through the incomprehensible rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted accomplice in the aggregations of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions, and for restoring to the commerce of the United States its legitimate freedom. This expectation fell to our ministers, with respect to the different belligerents, were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the Executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, for a suspension of the embargo as to her, in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a
compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition, to state explicitly, that, on her resuming her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France, however, no such guaranty nor decisive event had been demanded or obtained. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only referred for their vindication to an acquiescence on the part of the United States, but, as was arranged previously, whilst it resisted the illegal decrees of France, involved, moreover, submitting, by the precipitate avowals professedly aimed at by the British orders. The arrangement has, nevertheless, been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of arms could with propriety be based, it was necessary to offer to the nation a decision originally given to it. We have the satisfaction, however, to reflect, that, in return for the privations imposed by the measures, and which our fellow-citizens in general, have borne with patriotism, it has had the important effects of saving our mariners, and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the commission of their duties. At the moment of our latest intelligence, we are informed, the necessity of arming our citizens the necessity of uniting in support of the laws and the rights of their country; and has thus long frustrated those usurpations and spoliations which, if resisted, involved wars should submitted to, sacrificed a vital principle of our national independence.

Under a dispensation of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened, that, in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues, which, on other occasions, have marked the character of our fellow-citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with firmness and duration, and thus point the way to that peace and prosperity which our councils have earnestly solicited for the public welfare.

The documents, containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

And casting a retrospect on the three seasons in which the close of the discussions relating to the attack by a British ship of war on the frigate Chesapeake, left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed, authorized a belief that immediate steps would be taken by the British Government for redressing a wrong, which, the more it was investigated, appeared the more justificatory. We had not heard, it is true, that one of the objects of that adventure had not been realized. It was stated in the public instance, that the frigate was seized for the purpose. On the contrary, it will be seen in the documents laid before you, that the inadmissible preliminary, which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connection with a new occupation, an irruption of pirates, who have entered the harbor of the city of Algiers, with a view to facilitate, if necessary, the reparations claimed by the United States, are included in the documents communicated.

Our relation with the other Powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a lull, under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary Powers we continue in harmony, with the exception of an unjustifiable proceeding of the Day of December last, we believe, their character and correspondence are now held in a state of condition which enable you to decide how far it may either now or hereafter call for any measures not within the limits of the Executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in no wise implicating the will of the nation. Beyond the Mississippi, the Iowas, the Sacis, and the Alabamas, have delivered up for trial and punishment individuals from among themselves, accused of murdering citizens of the United States. On this side the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And generally, from a conviction that we consider them as a part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily; is extending from the nearer to the more remote, and will, in time, become so strong, as to oblige us to consider ourselves as the natural protectors of those tribes who, in the present instance, are advancing among them, more rapidly with the Southern than Northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and Government, in such progressive manner as we shall see best be done.

In consequence of the appropriations of the last session of Congress, for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, those which are under the control of the civil power, and by the general and by the military, chiefly been finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

The gun boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the course of the present year. These, with those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction, when it shall be deemed necessary.

Under the act of the last session, for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and, in proportion as it advanced, others have been added, as the necessity has been seen to demand them. Although such returns have not yet been received as enable me to present you a statement of the numbers engaged.

I have not thought it necessary, in the course of the last season, to call for any general detachments of militia or of police, the force throughout the United States has been, so far as it has been necessary, sufficiently augmented.

For the purpose of drover, as the phrase is, it was thought essential to know in readiness, should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced, as soon as it could be done, by bodies of new recruits. By the aid of these, and of the armed vessels that remain in the Atlantic, the redress of the national convenience at home, as well as our own, was assured itself early, and with sensible effect, while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the security of the national rights. As well as on the defense of our country, a people who are free, and have the common rights of mankind, recognize as their militia their best security. It is therefore incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this object, but every degree of neglect is to be found among others. No uniform system has been adopted among the States, not only with respect to the interested to the interests which they so deeply feel in their own and their country's security, will present this as among the most important objects of their deliberation.

Under the acts of March eleventh and April twenty-third, respecting arms, the difficulty ofprocuring them from abroad, during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and, in propor-
INAUGURAL SPEECH.

INAUGURAL SPEECH OF PRESIDENT MADISON,
Delivered at a Special Session of the Senate, on Saturday, March 4, 1809.

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself, by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as thrilled me with a sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel; and that of our own country full of difficulties. The pressure of these two is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, we have enjoyed a perfect state of national prosperity. In the midst of private content and peace, the fruits of industry and labor were enjoyed in an univalued growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue and satisfaction of our citizens; in the foundation and improvement of the public debt; and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection, that the transition from this prosperous condition of our country to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary error of judgment. The views in which the event has been considered have been deeply impressed with the consciousness of the purposes, and a confidence in the principles, which I bring with me into this arduous service.

TH. JEFFERSON.

November 8, 1808.

11th Congress.
No. 28.
To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality towards belligerent nations; to prefer, in all cases, amicable discussions and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so dear to all countries and so baneful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the Constitution in all the events of which the Union is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the People, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction to preserve in all the departments of the Government, the several branches of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics, that, without standing armies, their liberty can neither be in danger, nor with large ones safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor, in like manner, the advancement of science and the diffusion of information, as the best alimment to true liberty; to carry on the benevolent plans which have been so much encouraged under the auspices of our state, and shall be continued, to the convalescence, to the relief, and to the cure of the sick and wretched; to render the human mind and manners susceptible in a civilized state— as far as sentiments and intentions such as these can aid the fulfillment of my duty, they will be a resource which cannot fail me.

I am, my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor, it might least become me here to speak; I may, however, be pardoned for not suppressing the sympathy, with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness. But the source to which I look for the aids, which alone can supply my deficiencies, is in the well tried intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other department of government. The loyalty of the United States, the constancy of their councils, and their firmness in the defense of every dignity, are best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being, whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

JAMES MADISON.

11th Congress.] No. 29. [1st Session.

MESSAGE OF PRESIDENT MADISON.

Communicated on Tuesday, May 23, 1809.

Fellow-citizens of the Senate and of the House of Representatives.

On this first occasion of meeting you, it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations; the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our cruisers at London and Paris were, without delay, instructed to let it be understood by the French and British Governments, that the authority vested in the Executive, to renew commercial intercourse with their respective nations, would be exercised in the case specified by that act.

Soon after these instructions were despatched, it was found that the British Government, anticipating, from early proceedings of Congress, at their last session, the state of our laws which has had the effect of placing the two belligerent Powers on a footing of equal restrictions, and relying on the conclusory disposition of the United States, had transmitted to their legation here provisional instructions, not only to offer satisfaction for the attack on the frigate Chesapeake, but to make known the determination of His Britannic Majesty to send an envoy extraordinary, with powers to conclude a treaty on all points between the two countries, but, moreover, to signify his willingness, in the mean time, to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British Government led to the correspondence and the proclamation now laid before you by virtue of which the commerce between the two countries will be renewable after the tenth day of June next.

Whilst I take pleasure in doing justice to the councils of His Britannic Majesty, which, no longer adhering to the policy which made an abandonment by France of her decrees, a prerequisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I cannot do less than refer to the proposal herefore made on the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the anxiety of this accommodation which has at times been intermittent, and which I am still of opinion may be renewed.

The discontinuance of the British orders, as they respect the United States, having been thus arranged, a communication of the event has been forwarded, in one of our public vessels, to our minister plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French Government a revocation of its decrees, or such a modification of them as that they shall cease to be a bar to the commercio of the United States.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy, at the same time, of their just and provident care, to make such further alterations in the laws as will more especially protect and foster the several branches of manufactures, which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs, I have thought it not inconsistent with a just precaution, to have the gun boats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and convenience for future service; and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought, also, that our citizens, detached in quotas of militia, amounting to one hundred thousand, under the act of March, one thousand eight hundred and eight, might, as improperly, be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.
PRESIDENTS' MESSAGES.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, one thousand eight hundred and eight, together with the disposition of the troops, will appear by a report which the Secretary of War is preparing, and which will be laid before you.

Of the additional frigates required, by an act of the last session, to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report, which the Secretary of the Navy is preparing, and which will be laid before Congress, will show at the same time the progress made in outfitting and fitting these ships. It will show also the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

It will rest with the judgment of Congress to decide how far the change in our external prospects may authorize any modifications of the laws relating to the naval and navy establishments.

The works of defence for our sea-port towns and harbors have proceeded with as much activity as the season of the year and other circumstances would allow. It is necessary, however, to state, that the apprehensions hitherto made, being found to be deficient, a further provision will claim the early consideration of Congress.

The whole of the eighth per cent. stock remaining due by the United States, amounting to five millions three hundred thousand dollars, had been reimbursed on the last day of the year 1808. And on the first day of April last, the sum in the treasury exceeded nine and a half millions of dollars. This, together with the receipts of the current year on account of former stocks, and which is probably sufficient to defray the expenses of the year. But the suspension of exports, and the consequent decrease of importations, during the last twelve months, will necessarily cause, a great diminution in the receipts of the year one thousand eight hundred and ten.

After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session at the present season of the year, I forbear to call the attention of the Legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall act for the welfare and happiness of our country; and to pray that it may experience a continuance of the divine blessings, by which it has been so signally favored.

JAMES MADISON.

[ed Session]

MESSAGE OF PRESIDENT MADISON, Communicated on Wednesday, Nov. 29, 1809.

To the Representatives of the United States in Congress assembled, and the Senate of the State of Pennsylvania.

Fellow-citizens of the Senate and House of Representatives.

At the period of our last meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerents in your war, highly creditable to the United States, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you, that the favorable prospect has been overclouded, by a refusal of the British Government to abide by the act of its minister plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the British minister, and his successor.

Whatever plea may be urged by a desire of the welfare and happiness of our country; and to pray that it may experience a continuance of the divine blessings, by which it has been so signally favored.

JAMES MADISON.

11th Congress.

No. 30.

[ed Session]

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With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures, taken on the part of the United States, to effect a favorable change. The result of the several communications made to her government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our minister at Paris, now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have been duly expressed. In these cases, the interposition deemed proper on our part have not been omitted. But it well deserves the consideration of the Legislature, how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions under which the commercial injuries of our fellow-citizens has suffered.

In relation to the Powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued towards them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the Secretary of War, it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defence which was contemplated; and that a further time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armories, the supply of small arms of an improving quality appears to be annually increasing, at a rate, that, with those made on private contracts, may be expected to go far towards supplying for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations, authorized by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the treasury, together with the receipts during the year ending on the 30th of September last, (and amounting to more than nine millions of dollars) have enabled us to fulfill all our engagements, and to defray the current expenses of government, without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode which equally injurious and unjust to the United States as a neutral nation, the wisdom of the national Legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation, conscious both of the dignity and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stampt by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought not to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are yet greater than sufficient for our wants and our comforts. The face of our country, in every where presents the evidence of a sound, enterprising, capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unprofitably with reflection, that this revolution in our pursuits and habits is in so slight degree a consequence of those illicit and arbitrary edicts, by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures, of which our own are now taking the place.

Recollecting always, that for every advantage which may contribute to distinguish our lot, from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

November 29, 1809.

11th CONGRESS.

No. 31.

MESSAGE OF PRESIDENT MADISON.

COMMUNICATED ON WEDNESDAY, DEC. 5, 1810.

Fellow-citizens of the Senate and of the House of Representatives:

The embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, made it a primary duty, in meeting you, to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress, "concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies," having invited, in a new form, a termination of their effects approved by the Senate, Congress, confidence of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British Governments.

By the communication received through our minister at Paris, it appeared, that a knowledge of the act by the French Government was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the first day of November ensuing. These being the only known edicts of France, within the description of the act, and the revocation of them being such that they ceased, at that date, to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation bearing date the second day of November.

It would have well accorded with the conciliatory views, indicated by this proceeding, on the part of France, to have extended them to all the grounds of just complaint, which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions towards them, restoration would have been
immediately made of the property of our citizens seized under a misapprehension of the principle of reprisals, combined with a misconception of a law of the United States. This expectation has not been fulfilled.

The Executive of the United States, on the orders of the Senate, to which the communication from our minister at London of the revolution, by the French Government, of its liberation and Mr. Madison, was answered that the British system would be reinvigorated as soon as the repeal of the French decrees should have actually taken effect, and the commerce of British nations have been restored to the condition in which it stood previously. This was done in 1810, although it is said that the intention of reinvigorating, along with the orders in council, the practice of those novel blockade vessels which have a like effect of interrupting our neutral commerce. And this further justice to the United States is the rather to be looked for, from the great difficulty not only to the machinery of the law, but of the interest of the commercial relations with the United States, more especially aided, as are the French vessels, of that nation, the British States, the principle of which has been expressly and positively avowed to be still unrestrained, and to be, in effect, comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress, not to be comprehended in the explanation of the requisites to a compliance with it. The British Government was accordingly apprized by our minister near it, that such was the light which the fact was to be regarded.

On the other important subjects depending between the United States and that Government, no progress has been made, from which an early and satisfactory result can be relied on.

This new posture of our relations with those Powers, the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens not having obtained justice for them, a further and more formal intercourse with the Danish Government is contemplated. The principles which have been maintained by that Government, in relation to neutral commerce, and the friendly professions of his Danish Majesty towards the United States, are valuable evidence of the success of a similar measure.

Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change, developing itself in that portion of West Florida, which, though of right appertaining to the United States, had remained in the possession of Spain, awaiting the result of negotiations for its actual delivery to them. The Spanish vessels were armed, and the province, moreover, was a base which would essentially affect the rights and welfare of the United States. In such a juncture, I did not delay the interposition required for the occupancy of the territory west of the river Perdido; to which the title of the United States extends, and which is, for a supply of the eternal waters, very applicable. With this view, the proclamation, of which a copy is laid before you, was confided to the Governor of the province to be carried as the means of legalising and necessity of the course pursued, assure me of the favorable light in which it will present itself to the Legislature; and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our alliance with the Powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is yet received, appears to have been uninterrupted, and to have become more firmly established.

With the Indian tribes, the peace and friendship of the United States are found to be so eligible, that the general disposition to preserve both, continues in the highest strength.

I feel particular satisfaction in remarking, that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture, and the improvements related to it, is added a highly interesting extension of useful manufactures—the combined product of professional occupations and of a healthy industrial structure. Such, indeed, is the experience of economy, as well as of policy, in those substitutes for supplies heretofore obtained by foreign commerce, that, in a national view, the change is justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice, which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement in the distribution of labor, by regulation of the commercial tariff, is a subject which cannot fail to suggest itself to your patriotic reflections.

The attention of Congress, also, whether a provident, as well as fair encouragement, would not be given to our navigation, by such regulations as will place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our soil. The failure of equality and reciprocity in the existing regulations on this subject, operates in our ports, as a premium to foreign competitors; and the interference of the French exceeds and renders more important these considerations, by the more countervailing encouragements now given them, by the laws of their respective countries.

Whilst it is universally admitted that a well instructed people alone can be permanently a free people; and whilst it is equally admitted, that in a country engaged with small a portion of the expenditures for national purposes: I cannot presume it to be unseasonable, to invite your attention to a proposition to the effect of the means of education provided by the several States, a seminary of learning, instituted by the National Legislature, under the limits of their exclusive jurisdiction; the expense of which might be defrayed, or reimbursed, out of the taxes of the Union.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions; by expanding the patriotism; and by assimilating the principles, the sentiments, and the manners, of the class who might resort to this temple of learning; by re-distributed, in due time, through every part of the community; sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But above all, a well constituted seminary, in the centre of the nation, is recommended by the consideration, that the additional instruction emanating from it would contribute not less, to the preservation of the structure of the Union, than to its improvement.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in all the views of humanity, and in defiance of those of their own country. The same just and benevolent motives which produced the measure of intervention against this criminal conduct, will doubtless be felt by Congress, in devising further means of suppressing the evil.

In the midst of uncertainties, necessarily connected with the great interests of the United States, prudence requires a firmness and courage in guarding the Union. It is the function of the Navy to prevent the endeavors of any other maritime power to extend its jurisdiction over the sea, by the power of the Navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval establishments and the grounds on which they were made.

The fortifications for the defense of the port have been completed according to the plan laid down in 1808. The works, with some exceptions, are completed, and furnished with ordinance. Those for the security of the city of New York, though far advanced towards completion, will require a further time and appropriation. This is the opinion of the War Department, in need of the military preparations for land and sea.

The improvements, in quality and quantity, made in the manufacture of cannon, and of small arms, both at the public armories, and private factories, warrant additional confidence in the competency of these resources for supplying the exigencies of war.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress, with respect to that great bulwark of the public safety, it is for their consideration, whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits and is capable of receiving, it is indispens-
sable that they should be instructed and practised in the rules by which they are to be governed. Towards an accomplishment of this important work, I recommend, for the consideration of Congress, the expediency of instituting a system, which shall, in the first instance, call into the field, at the public expense, and for a given time, certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired, would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service, which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill, in those portions of an army, in fitting it for the final duties which it may have to perform.

The corps of engineers, with the military academy, are entitled to the early attention of Congress. The buildings at the seat, fixed by law, for the present academy, are so far in decay as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy, at the seat of government or elsewhere. The means by which war, as well for defence as for offence, are now carried on, render these schools of the more scientific operations an indispensable part of our defence. Common among nations whose large standing armies and frequent wars afford every other opportunity of instruction, these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a government, happily without the other opportunities, seminaries, where the elementary principles of the art of war can be taught without the cost of actual war, and without the expense of extensive and stationary armies, have the precious advantage of uniting an essential preparation against external danger, with a scrupulous regard to internal safety. In no other way, probably, can a provision, of equal efficacy for the public defence, be made at so little expense, or more consistently with the public liberty.

The receipts into the treasury during the year ending on the thirtieth of September last (and amounting to more than eight millions and a half of dollars) have exceeded the current expenses of the Government, including the interest on the public debt. For the purpose of reimbursing, at the end of the year, three millions seven hundred and fifty thousand dollars of the principal, a loan, as authorized by law, had been negotiated to that amount, but has since been reduced to two millions seven hundred and fifty thousand dollars; the reduction being permitted by the state of the treasury, in which there will be a balance remaining, at the end of the year, estimated at two millions of dollars. For the probable receipts of the next year, and other details, I refer to statements which will be transmitted from the treasury, and which will enable you to judge what further provisions may be necessary for the ensuing year.

Reserving for future occasions, in the course of the session, whatever communications may claim your attention, I close the present by expressing, with the alacrity, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures, at a period particularly calling for united counsels and inflexible exertions for the welfare of our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.

JAMES MADISON.

WASHINGTON, December 5, 1810.

13th Congress. No. 32. [1st Session.]

MESSAGE OF PRESIDENT MADISON.

COMMUNICATED ON TUESDAY, NOVEMBER 5, 1811.

Fellow-citizens of the Senate
And of the House of Representatives:

In calling you together, sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present, for the time of your meetings, made provision for the probability of further duties connected with the present Power towards this country, which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the Government of Great Britain to summon their plenipotentiaries in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step towards satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated to the British envoy just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British Government, was denied to have taken place; it was an indispensable condition of the repeal of the British orders, that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, be transported by neutrals, into markets shut against them by her enemy; the United States being given to understand that, in the mean time, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it had indeed appeared, that a communication to the British Government, of fresh evidence of the renewal of the French decrees against our neutral trade, was followed by an intimation, that it had been transmitted to the British plenipotentiary here, in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hither, instead of finding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British treatment, and to await mere ministerial proofs of such a change, and to proceed in the mean time in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.

It is also in the character of those disclosures, indemnity and redress for other wrongs have continued to be withheld; and our coasts, and the mouths of our harbors, have again witnessed scenes not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter, by a fire, commenced without cause, by the former; whose commander is, therefore, alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry, relating to Captain Rodgers, are communicated; together with the correspondence relating to the differences between the Secretary of State and his Britannic Majesty's envoy. To these are added the several correspodances which have passed on the subject of the British orders in council and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceeding of the United States.
The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure with corresponding claims for the reparation of the national prejudices and injuries suffered.

No proof, however, is yet given of an intention to repair the other wrongs done to the United States and particularly to give the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not nullifying any previous extensions of the United States were, nevertheless, in such unjust principles that the reparation ought to have been prompt and ample. In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected, and which, if not discontinued, will require at least corresponding restrictions on importations from France to the United States.

On all these subjects, our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you. And as the furthering the understanding the French Government towards the United States, will enable you to adapt it to the interest of the United States towards France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship, and the communication of friendly dispositions towards each other, of that nation also. And the information from our special minister to Denmark shows, that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

In all the circumstances which commanded attention, it became a duty to exert the means committed to the Executive Department, in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the gun boats have, in particular harbors, been restored into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast. And such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regular troops, to be applied to the protection of the territories of the frontier. This measure was made requisite by several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawnean Tribe. With these exceptions, the Indian tribes retain their peaceable dispositions, and are enabled to pursue their usual pursuits.

I must now add, that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the prosecuted measure will be, after the United States have exerted the utmost efforts to avoid and mitigate dangers to the peace of the two countries all the mutual advantages of re-established friendship and confidence, we have seen that the British cabinet perseveres, not only in withholding a remedy for other wrongs so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the effect of a war on the safety of the intercourse.

With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer troops, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries, which, in every event, will form a valuable and frugal part of our military establishment.

The promulgation of a bill to provide for the duties and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions on the subject of our naval force as may be requisite for its effective use. In which, it may be best advisable for Congress to consider the seasonableness, of any authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to avoid looking back through the annals of our history to the progress we have made of our own hemisphere, and extend into our neighborhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the national councils an obligation to take a deep interest in their destinies; to cherish reciprocal sentiments of good will to regard the progress of events; and not to be unprepared for whatever events may have their cause in the ultimate rights of our own country.

Under another aspect of our situation, the early attention of Congress will be due to the expedition of further guards against evasions and infractons of our commercial laws. The practice of smuggling, which is odious everywhere, and particularly criminal in free governments, where, the laws being made by all for the good of all, the offense is committed on every individual as well as on the State, attains it utmost guilt when it blends, with a pursuit of ignominious gain, a treacherous subservency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the resolute aversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient, also, that it be made punishable in our citizens to accept licences from foreign governments, for a trade unlawfully interdicted by them to other American citizens, or to trade under false colors or papers of port in our own ports. And to prevent and suppress all instances of special licences, to be used in a trade with the United States; and against the admission into particular ports of the United States, of vessels from foreign countries, authorized to trade with particular ports only.

The speedy consideration of your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining in some degree, under the impulse of causes not permanent; and to our navigation, the fair extent of which it is at present abridged, by the unequal regulations of foreign governments.

Beside the injuries of our commerce, which a change of circumstances might bring on them, the national interest requires, that, with respect to such articles, at least, as belong to our defence, and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments may, in some degree, be engaged in their ports against the free entry of such articles as we now import, the local consumption of such articles as are to be enjoyed by their navigation, in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupations for the service of their native country, in such vessels, must be ruinously diminished.

The receipts into the treasury, during the year ending on the thirtieth of September last, have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, without having to apply to the treasury for the resources of the public, during four months of the present year, as was the case in the last session of Congress. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten, has also been reimbursed, and is not included in that amount.

The decrease of revenue, arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year.
And I recommend to your consideration, the propriety of ensuring a sufficient annual revenue, at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled; my grave conviction that a wise and honorable result to your deliberations; and assurances of the faithful manner in which my co-operating duties will be discharged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed, in vindicating its rights and advancing its welfare.

WASHINGTON, November 5, 1811.

JAMES MADISON.

12th Congress, 3rd Session.
No. 33. COMMERCIALLY WEDNESDAY, May 4, 1812.
MESSAGE OF PRESIDENT MADISON,
Communicated on Wednesday, May 4, 1812.
Fellow-citizens of the Senate and of the House of Representatives:

On our present meeting it is my duty to invite your attention to the providential favors which our country has experienced, to the unusual degree of health, prosperity, and happiness to which she has been carried by the benevolence of heaven, as well as the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

It is my melancholy duty to present to you the necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced, by the perseverance of a foreign Power in its system of injustice and aggression.

Consequent to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory, with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier General Hull was charged with this provisional service, having under his command a body of troops composed of regulars, and of volunteers from the State of Ohio. Having reached his destination, after his knowledge of the war, and possessing discretionary authority to act offensively, he penetrated into the neighboring territory of the enemy, with a prospect of easy and victorious progress. The expedition nevertheless terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace, and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of these instruments of carnage and torture, which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation: for it is committed in the face of our example. They cannot mitigate it by calling it a self defense against men in arms: for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputies authorities of a nation, boasting its religion and morality, have not been restrained from Königsberg in an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs, that the national spirit rises according to the pressure on it. The loss of an important post, and of the brave men surrendering with it, served only to inspire every where new ardor and determination. In the States and districts least remote, there was no sooner known, than every citizen was ready to fly with his arms, at once to protect his brethren against the blood-thirsty savages left by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the other part of a few regulars, under the command of Brigadier General Harrison, who possesses the entire confidence of his fellow soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations than by their personal merits. The greater portion of this force is proceeding on its destination, towards the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subservience into which they had been seduced by the enemy—a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against them which the enemy could not yield to.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces under the command of Major General Van Rensselaer, of the militia of the State of New York. The attack, it appears, was ordered in part, with the sole view of executing it with distinguished gallantry, and for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the Governor of the province and was sustained by veteran troops, from unexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of our officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will ensure for the next a naval ascendancy, where it is essential to our permanent peace with, and control over the savages.

In the course of the war, I am constrained to advert to the refusal of the Governors of Massachusetts and Connecticut to furnish the required detachments of militia towards the defense of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be before you, contain the requisite information on the subject.

I am obliged to inform you, that if the authority of the United States to call into service and command the militia for the public defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the public safety may have no other resource, than in those large and permanent military establishments, which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional balaurk.
On the coasts, and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their introduction of force, have rendered the enemy sensible of the superiority we have maintained between a reciprocity of capture, and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having escaped the menacing fate met in it by the course pursued by a squadron of our frigates, under the command of Commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an equal share of success. Captain Jervis, who was deputed by the President to form a division, commanded a warship, completely disabled and captured a British frigate; gaining for that officer and all on board a prize which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents which, given to a brave and energetic character, and to the force applied its full effect, proved that much might have been done in a contest requiring more.

Anxious to avert the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a convention. "I have the honor," he wrote to Lord North, "to forward to you, an Englishman, a project which will render an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an assurance that the rest of the provisions of the orders should be directed to the effect that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this Government, had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this Government, affording an occasion for reconsidering the subject, on the part of Great Britain, will be viewed in a more favorable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the Department of State, which relate to this subject, will give a view also of the propositions we have made for the purpose of preserving peace, and the answer of the British Government, through Lord Sandwich, at Halifax and in Canada, the other from the British Government itself, through Admiral Warren, and of the grounds on which neither of them could be accepted. Our affairs with France retain their posture. They held at last communications to you. Notwithstanding the current of events, there are many individual cases on each side as well as favorable issues to the formation of a permanent accommodation, and at the last date. The only intervening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the appeal of the British orders in council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special minister to Denmark, afford further proofs of the good effects of his mission and of the amicable disposition of the Danish Government. From Russia we have the satisfaction to receive assurances of continued friendship, and that we will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul general, residing with that regency, has suddenly and without cause been banished, together with all the American citizens and their property. The effect of this measure on our commerce, or that of our aspiring to other objects of that description, is not ascertained. Precautions were taken by the consul on the latter supposition.

The Indian tribes, not under foreign influences, remain at peace, and receive the civilizing attentions which have so much been beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that, notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied, during the campaign, by other regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing, as an army, of the private soldier, the proportion between his recompense and the term of his enlistment. And it is a subject which cannot be considered too seriously or too much in view of those on which the safety of the country depends.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other. And although patriotism, ardor, and zeal, are the first and last springs of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration, also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the localities of the seaports of the states, with those in the seaports, under a similar organization, would not be a providential addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illumed by the necessity and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the Legislature the importance of the reorganization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally inculcated by the examples of other countries, and by the experience of our own. The repeal of the militia laws, for the purpose of rendering them more systematic, and better adapting them to emergencies of the war, is, at this time, particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for shipbuilding, the sum of $20,000,000 will be applied against the amount of the Act of 1812. The others have been expended by the President.

The enterprises which has characterized our naval force, and its success both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

I am confident, that the act prohibiting the acceptance of British licences, is not a sufficient guard against the use of them, for it is a fact, that their presence and furtherance of the policy on the part of the enemy is the subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and pernicious interference with the enemy, not amounting to treason, nor yet embraced by any statutory provisions.

The army of the United States, which were at that time in Rhode Island, and other places, were reduced by the Council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unpromising cases of such magnitude, the ordinary powers vested in the Treasury Department to mitigate forfeitures, without previous consultation of the states involved in the question as to the propriety, as they may be thought, of their proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the treasury, during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars, which have been sufficiently to defray all the demands on the treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans au-
thorized by the acts of the last session; the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which being receivable subsequent to the 50th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected impositions of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow-citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are, nevertheless, equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged, is a war neither of ambition nor of vain glory that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former counsels, and until declarations were made, that to the last, British admirers of our cause, perceived that through the effects against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked, without violating the obligations of Great Britain to other Powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our last patriotic efforts. It would have been a retreat where the virtues of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that, on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American People were not an independent people, but colonists and vassals.

Washington, Nov. 4, 1812.

NO. 34.

INAUGURAL SPEECH OF PRESIDENT MADISON.

DELIVERED IN THE HALL OF THE HOUSE OF REPRESENTATIVES, ON THURSDAY, MARCH 4, 1815.

About to add the solemnity of an oath to the obligations imposed by a second call to the station in which my country confided me, I find myself conscious of no presenting disposition of the mind, to render less efficacious my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated, and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice which invites the smiles of Heaven on the means adopted to its successful termination.

May we not cherish this sentiment without presumption, when we reflect on the characters by which this war is distinguished? It was not declared on the part of the United States until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions, and either perpetuating a state of disgraceful suffering, or retarding, by more costly sacrifices and more severe struggles, our last rank and respect among independent Powers.

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake is to surrender our equality with other Powers on the element common to all; and to violate the sacred title which every member of the society has to its protection. I need not call into view the unlawfulness of the practice by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones; nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our Government, and the cruel sufferings of that portion of the American People have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect, with a proud satisfaction, that, in carrying it on, no principle of justice or honor, nor usage of civilized nations, nor precept of courtesy or humanity, have been infringed. The war has been waged, on our part, with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy! They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons, unoffending to the public peace, who have attempted to incorporate our independence into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages, armed with these cruel instruments, have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenseless captives. And, what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief, avowing massacre from their savage associates.

And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force, by attempts to disorganise our political society—to dismember our confederated Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate counsels from which they emanate; and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a
PRESIDENT'S MESSAGES.

government which founded the very war in which it has been so long engaged on a charge against the disorganising and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the most noble and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of its scabbard, before the enemy was apprised of the reasonable terms on which it would be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These feelings are amply sufficient to bring the war to an honorable issue. Our nation is in number more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and, draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice is heard, so far, and so sensitively, it can, I think, be apprised of the immediate and pressing purposes, by which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematic exertions alone are necessary; and I trust that when our arms shall have proved our country from the necessary and the right, we shall have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, press靠着 flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

JAMES MADISON.

13th Congress.] No. 35. [1st session.]

MESSAGE OF PRESIDENT MADISON,

COMMUNICATED ON TUESDAY, MAY 25, 1813.

Fellow-citizens of the Senate
and of the House of Representatives:

At an early day after the close of the last session of Congress, an offer was formally communicated from his Imperial Majesty the Emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, toward effecting a permanent and satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and, as a further proof of the disposition, on the part of the United States, to meet their adversary in honorable experiments for terminating the war, it was determined to avoid intermediate delays, incident to the distance of the parties, by a direct negotiation for the contemplated pacification. Three of our eminent citizens were accordingly commissioned, with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They are authorized, also, to enter into such conventional regulations of the commerce between the two countries, as may be mutually advantageous. The two envoys who were in the United States at the time of their appointment, have proceeded to join their colleagues, already at St. Petersburg.

The envoys have received another commission, authorizing them to conclude with Russia a treaty of commerce, with a view to strengthen the amicable relations, and improve the beneficial intercourse, between the two countries.

The issue of this friendly interposition of the Russian Emperor, and this pacific manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain towards that sovereign will have produced an acceptance of his offered mediation, must be presumed. That no adequate motives exist to prefer a continuation of war with the United States, to the terms on which they are willing to close it, is certain. The British cabinet also must be sensible, that with respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of, British persons or property, on board neutral vessels, on the high seas, is not a belligerent right derived from the law of nations; and it is obvious, that no visit or search, or use of force, for any purpose, can be made by the vessels of one independent Power, on the high seas, without authority of another Power. It is equally obvious, that, for the purpose of preserving to each State its seafaring members, by excluding them from the vessels of the other, the mode herefore proposed by the United States, and now enacted by them as an article of municipal policy, cannot for a moment be compared with the mode proposed by Great Britain, without a conviction of its title to preponderate; inasmuch as the latter leaves the discrimination between the mariners of the two nations, to officers exposed, by unavoidable bias, as well as by a defect of evidence, to a wrong decision; whereas, in the former, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages; whereas, the mode assumed by the United States, guards, with studied fairness and efficacy, against errors in such cases, and avoids the effect of casual errors on the safety of navigation, and the success of mercantile expeditions.

From these considerations, as well as from the representations of those who are best qualified to apprise us of the events which have taken place, and the events that are likely to follow, our citizens, who are engaged in commerce with foreign nations, can have no just ground for fearing a violation of the commercial rights of their country. The government is so far from having reason to apprehend a violation of these rights, that there is reason to expect a re-establishment of them.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

The continuation of the brilliant achievements of our infant navy, a signal proof of the skill of Captain Lawrence, and his companions in the Hornet swept of war, which destroyed the British 'Shallow' of war, with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the Hornet, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in preceding cases. Our public ships of war, in general, as well as the private vessels, have continued to maintain themselves by their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts to intercept them returning into port, and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the Lakes, our superiority is near at hand, where it is not already established.
The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that, under a wise organization and efficient direction, the army is destined to a glory not less brilliant than that which already enrircles the navy. The attack and capture of York is, in that quarter, a presage of future and greater victories; while, on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inglorious valor.

The provisions last made for filling the ranks and enlarging the staff of the army, have had the best effects. It will be for the consideration of Congress, whether other provisions, depending on their authority, may not still further improve the military establishment and the means of defense.

The sudden death of the distinguished Minister of France, who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications; nor has the French Government taken any measures for bringing the depending negotiations to a conclusion, through their representative in the United States. This failure adds to delays, before so unreasonably spun out. A successor to our deceased Minister has been appointed, and is ready to proceed on his mission; the course which he will pursue in fulfilling it, is that prescribed by a steady regard to the true interest of the United States, which equally avoids an abandonment of their just demands, and a connection of their fortunes with the systems of other powers.

The amount of internal revenue, received for October, is $4,779,748. Of the sums received on account of treasury notes, and of the loans authorized by the acts of the last and the preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures, during the same period, amount to seven millions one hundred and forty-three thousand dollars, and the balance due at the end of the year, on the 1st of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum, more than ten millions of dollars had been paid into the treasury, prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that sum, not paid into the treasury, with the sum of five millions of dollars authorized to be issued in treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making, in the whole, twenty-nine millions three hundred thousand dollars, to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the public debt. These engagements amount, during that period, to ten millions five hundred thousand dollars; which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the treasury, at the end of the present year, equal to that on the 1st of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource, for any emergency, may be found in the sum of one million dollars, the loan of which to the United States has been authorized by the State of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shews that due provision has been made for the expenses of the current year, shews, at the same time, by the limited amount of the actual revenue, and the necessity on loans, the necessity of providing more adequately for the future supplies of the treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources; which will have the effect, both of abridging the amount of necessary loans, and, on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent. And although other causes may have had an agency, it cannot be doubted, that, with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A single phenomenon of this advantage could not fail to have a still greater influence on future loans.

In recommending to the National Legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily, no People, with local and transitory exceptions, never to be wholly avoided, are more able than the People of the United States, to meet the public wants, a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigencies, the constituted authorities will be enabled to prosecute the war the more rapidly to its proper issue; every hopeful hope, founded on a calculated failure of our resources, will be cut off; and by adding to the evidence of bravery and skill, in combats on the ocean and on the land, an alacrity in supplying the treasury necessary to give them their full value, and to demonstrate to the world the public energy which our political institutions, the personal wants, and the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support to every motive that can animate an enlightened and enlightened People; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs, of a class of citizens who have proved themselves so worthy the support of every People. The called upon to the defense of their country, by the politics and the policy of their political leaders, have shown an alacrity in the discharge of their duties; and in their collective and individual endeavors, with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their Legislature, for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not
to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honorable and desirable to both, for discussing, and, if possible, adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious considerations, has, to the great dishonor of our government, sanctioned communications from their envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place, or is to be expected.

Under such circumstances, a nation proud of its rights, and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to crown the conduct of his faithful and gallant agent, the American navy. It is the more desirable, because the water is the handmaid of war.

While prows have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander; the great inland waters, on which the enemy were also to be encountered, have presented the same achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On lake Erie, the squadron under command of Captain Perry, having met the British squadron, of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit and daring, and who was so well seconded by his comrades, partly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

Through the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre; and to prove, by the manner in which he effected every thing possible, that opportunities only were wanted for a more shining display of his own talents, and the gallantry of those under his command.

The success on lake Erie having opened a passage to the territory of the enemy, the officer commanding the northwestern army transferred the war thither; and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage and allied forces.

This result is signal honor to Major General Harrison, by whose military talents it was prepared; to Colonel John and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy; and the gallant and valiant army of Indiana and other states, who, with their fleet and enterprising spirit, rendered a more especially to the chief magistrate of Kentucky at the head of whom, their heroism, signalized in the war which established the independence of his country, sought, at an advanced age, a share in hardships and battles, for maintaining its rights and its safety.

The success of that enterprise has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign Power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare, which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. It was the first instance of such an application of our naval power, of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

This unexpected enemy, who had felt the weight of our war like a desolate plain in miti-
gating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our southwestern border, the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them.

It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view a force was called into the service of the United States, to the states of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi Territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was expected to proceed, and the best proof of a satisfactory success with, which a well planned and executed enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our projected forbearance to accept the services tendered by them, has thus been forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character; stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates, and who have not controlled them either from their usual practice of indiscriminate massacre on defenseless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and of honorable war. For these enormities, the enemy are equally responsible, who, in the situation to prevent them they will, or, with a knowledge of a want of power, they still avow themselves of such instruments.

In other respects, the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States, being there under certain circumstances, to bear arms, and the best proof of a satisfactory success with, which a well planned and executed enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

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This was unhappily not the case. In violation both of consistency and of humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, in which a death from the effects of the heat of sun and the intermittent rain, which the policy of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified, at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our own towns and their habitations, as a retribution of the same kind.

This is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The militia being always to be regarded as the great bulwark of defence and security for free States, and the constitution having wisely committed to the national authority the use of that force as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, it has been considered by the President that it is the duty of the Executive authority, effectuating the services of all detachments called into the employment and placed under the government of the United States.

It will deserve the consideration of Congress, also, whether, among other improvements in the militia laws, Justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of detachments called into the national service.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that the mariners be enabled, for the period of one year, to take on board a large part of the provisions they require.

With this view I recommend to Congress the expediency of such legal provision as may supply the defects, or remove the doubts of the Executive authority to allow to the cruisers of other Powers, at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th of September last, the receipts into the Treasury have exceeded thirty-seven millions and a half of dollars, of which nearly twenty-four millions were the produce of loans. After meeting all the deficiencies in the revenue, there remained, in the Treasury under the President, the sum of two millions and a half, which authority contained in the act of the second of August last, for borrowing seven millions and a half of dollars, that sum has been obtained, on terms more favorable to the United States than those of the preceding loan made during the present year. Further sums, to a considerable amount will be necessary to be obtained in the course of the year for defraying the expenses of the public engagements, which the public engagements have been kept, and the public credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanted.

It is hoped that the expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But, on a just estimate of the campaign, in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages, in one quarter, been less favorable than was expected; but, in addition to the importance of our naval success, the progress of the campaign has been highly honorable to the American arms.

The attacks of the enemy on Crane Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they in any case proceeded to either frontier, excepting when directed against the peaceful dwellings of individuals, or villages unprepared or undefended.

The other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden; by the recovery of Detroit, and the extinction of the Indian war in the west; by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the State of New York, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the south, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a wish that the American people, in their future efforts to unite, for the common good, and with which every enlightened country must be favored; for the abundance which over-spreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and, above all, for the light of divine truth, and the protection of every man's conscience in the practice of his own religious duties. Another and less brilliant event of the year, of which our future posterity will be proud, is the conclusion of peace without war, which the citizens of our country, with the Bashkir, the Tula, and the Cossack, have purchased, with an expenditure of millions, and a sacrifice of lives and property.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on money and is even rapidly giving them an extent, which will create additional staples in our future intercourse with the different nations.

It much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

In the same manner the increase in our national productions, in the natural resources of the land, and in the improvements of the country, which consist of an augmentation of our forests, and improvements of the land, has been an encouragement for all classes of society. The employment of a great number of hands in the service of the war have been a relief to the East and West, by the extension of the channels into the sea, and the management of the vessels of the Federal government have been an encouragement to the commerce of the country. The war has increased the food of the people, the wages of labor, the price of provisions, the employment of the people, and the increase of the numbers of the inhabitants.

While great good citizens, the justice and necessity of restoring wrongs and usurpations, no longer to be borne, will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that, whilst wars are generally aggravated by the baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States, that the calamities of the contest in which they have been compelled to enter, are mitigated by improvements and advantages, which are not less evident in the contest itself than in the event.

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and authorized, by its own example, to require from all an observance of the laws of justice and reciprocity. Beyond these, their claims have never extended; and, in contending for these, we behold a subject for our congratulations in the daily triumph of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

WASHINGTON, December 7, 1815.

JAMES MADISON.

[15th Congress.] No. 57. [3d Session.]

MESSAGE OF PRESIDENT MADISON, COMMUNICATED ON TUESDAY, SEPT. 20, 1814.

Fellow-citizens of the Senate and of the House of Representatives:

Notwithstanding the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well as any inadequacy in the existing provisions for the wants of the treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace, or further and more effective provisions for carrying on the war.

That result is not yet known. If, on one hand, the repeal of the orders in council, and the general pacification in Europe, which withdrew the occasion on which impressions from American vessels were practised, suggest expectations that peace and tranquility may be re-established; we are compelled, on the other hand, by the refusal of the British Government to accept the offered mediation of the Emperor of Russia; by the delays in giving effect to its own proposal of a direct negotiation; and, above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged, more violent than ever, against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe for an equilibrium guaranteeing all its States against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and that it has left in her hands disposable armaments, with which, forgetting the lessons of a remote war against a mighty monarch, and yielding to the intoxication of success, she means to place an example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power, already formidable in its abuses to the tranquility of the civilized and commercial world.

But, whatever may have inspired the enemy with these more violent purposes, the public councils of a nation, more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions, with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy, with all his augmented means, and wanton use of them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria; from both of which his retreats were as precipitate as his attempts were bold and formidable. In his other incursions on the Atlantic frontier, his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals, and in dishonoring his arms, than in promoting any object of legitimate warfare. And in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary public business at the seat of government, no compensation for the loss of character with the world, by his violations of private property, and by his destruction of public edifices, protected, as monuments of the arts by the laws of civilized warfare.

On the contrary, we can appeal to a series of achievements, which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara, by the American forces under Major General Brown and Brigadiers Scott and Gaines, have gained for these heroes, and their emulateing companions, the most unfading laurels; and, having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts, the more certain and decisive will be his final discomfiture.

On our southern border, victory has continued also to follow the American standard. The bold and skilful operations of Major General Jackson, conducting troops drawn from the militia of the States least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our western frontier have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships whilst a considerable attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack, by a powerful force, on our troops at Plattsburg, of which regulars made a part only, the enemy, after a persevering for many hours, was finally compelled to seek safety in a speedy retreat, with our gallant bands pressing upon him.

On the lakes, so much contested throughout the war, the great exertions for the command, made on our part, have been well repaid. On lake Ontario our squadron is now, and has been for some time, in a condition to confine that to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on lake Erie has been extended into lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant efforts. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On lake Champlain, where our superiority had for some time been undiputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory which immortalised another officer; and established, at a critical moment, our command of another lake.

On the ocean, the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguine contest against two ships, one of them superior to his own, and under other
severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force which sufficiently vindicates the reputation of their commanders; whilst two others, one commanded by Captain Warrington, the other by Captain Blakeley, have captured British ships of the same class, with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy, accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce, and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral Powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public defence, and great expenses incurred. That the defence every where may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety, all the requisite energy and efficiency.

The moneys received into the treasury during the nine months ending on the thirtieth day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the public revenue, and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded thirty-four millions of dollars, and left in the treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year, already authorized by Congress, and the expenses incident to an extension of the operations of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised, that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and in money; on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste, with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force, and in its worst forms, may be looked for. The American People will face it with the undaunted spirit which, in their Revolutionary struggle, defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the National Legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind, which the safety and honor of the nation demand. We have seen them every where paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood, they give the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the Government of Great Britain, that her hostile orders against our commerce would not be revoked, but on conditions as impossible as unjust; whilst it was known that these orders would not otherwise cease but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested, on every occasion, and in every proper mode, a sincere desire to arrest the effusion of blood, and meet our enemy on the ground of justice and reconciliation; our beloved country, in still opposing to his persevering hostility, all its energies, with an undiminished disposition towards peace and friendship on honorable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an omnipotent and kind Providence.

WASHINGTON, September 20, 1814.

JAMES MADISON.
FOREIGN RELATIONS.

EXECUTIVE COMMUNICATIONS TO CONGRESS

AND

REPORTS OF COMMITTEES.

1st Congress.]

No. 38. [1st Session.

CONSULAR FUNCTIONS.

Message from the President relative to the Consular Convention with France.

Gentlemen of the Senate:

A convention between His Most Christian Majesty and the United States, for the purposes of determining and fixing the functions and prerogatives of their respective consuls, vice-consuls, agents, and commissaries, was signed by their respective plenipotentiaries on the 29th of July, 1784.

It appearing to the late Congress that certain alterations in that convention ought to be made, they instructed their minister at the court of France to endeavor to obtain them. It has accordingly been altered in several respects, and as amended, was signed by the plenipotentiaries of the contracting Powers, on the 14th of November, 1788.

The 16th article provides that it shall be in force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

I now lay before you the original, by the hands of Mr. Jay, for your consideration and advice. The papers relative to this negotiation are in his custody, and he has my orders to communicate to you whatever official papers and information on the subject he may possess, and you may require.

GEO. WASHINGTON,
President United States.

New York, June 11th, 1789.

1st Congress.]

No. 39. [1st Session.

CONSULAR FUNCTIONS.

Report of the Secretary of Foreign Affairs on the Consular Convention with France.—Communicated to the Senate July 27, 1789.

Office for Foreign Affairs, 25th July, 1789.

The Secretary of the United States for the Department of Foreign Affairs, under the former Congress, in pursuance of the following resolution, viz:

**"In Senate, 22nd July, 1789.**

"Whereas a convention referred this day to the Senate, bears reference to a convention pending between the Most Christian King and the United States, previous to the adoption of our present constitution:"

**"Resolved, That the Secretary of Foreign Affairs under the former Congress be requested to peruse the said convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations or negotiations entered into by our minister at the court of Versailles, to ratify in its present sense or form the convention now referred to the Senate".—Reports:**
That he has compared the two conventions of 1784 and 1788; that the copies of them received from Mr. Jefferson, and now before the Senate, are so printed, and their variations so clearly marked, as that he cannot contrast them in a manner better calculated for an easy and accurate comparison.

That, in his opinion, there exist in the convention of 1788 no variations from the original scheme sent to Doctor Franklin in 1783, nor from the convention of 1784, but such as render it less intelligible than either of the other two.

That, although he apprehends that this convention will prove more inconvenient than beneficial to the United States, yet he thinks that the circumstances under which it was formed, render its being ratified by them indispensable.

The circumstances alluded to are these:
The original scheme of 1782, however exceptional, was framed and agreed to by Congress. The convention of 1784 was modelled by that scheme, but, in certain instances, deviated from it; but both of them were to be perpetual in their duration.

On account of those deviations, Congress refused to ratify it, but promised to ratify one corresponding with the scheme, provided its duration was limited to eight or ten years; but they, afterwards, extended it to twelve.

By an instruction to Mr. Jefferson, of 3d October, 1785, he was, among other things, directed to propose to the King, "That the said convention be so amended as perfectly to correspond with the scheme, in every part, where a deviation from the same is not permitted by the said act of 1782; and, further, that he represent to his Majesty the desire of Congress to make the said Convention probationary, by adding a clause for limiting its duration to eight or ten years. That he be assured of the Majesty of the determination of Congress to observe, on all occasions, the highest respect for candor and good faith in all their proceedings, and that, on receiving the convention, so amended, and with such a clause, they will immediately ratify it."

In the letter which accompanied these instructions is the following paragraph:
"The original scheme of the convention is far from being unacceptable, but a former Congress having agreed to it, it would be improper now to receive; and, therefore, Congress are content to ratify a convention made conformable to that scheme, and to their act of 5th of January 1783, provided a clause limiting its duration be added."

On the 27th July, 1787, Congress gave to Mr. Jefferson a commission in general terms, to negotiate and conclude with His Most Christian Majesty a convention for regulating the privileges, &c. of their respective consuls.

In one of the letters then written to him, is this paragraph:
"Congress confide fully in your talents and discretion, and they will ratify any convention that is not liable to more objections than the one already in part concluded, provided that an article, limiting its duration to a term not exceeding twelve years, be inserted." As the convention in question is free from several objections to which the one of 1784 was liable, and is in every respect preferable to it, and as it contains a clause limiting its duration to twelve years, it seems to follow, as of necessary consequence, that the United States ought to ratify it.

All which is submitted to the wisdom of the Senate.

JOHN JAY.

[1st Congress.]

No. 40.

[3d Session.]

EASTERN BOUNDARY.

Message from the President of the United States relative to the various conventions with Great Britain respecting the Eastern Boundary.—Communicated February 9, 1790.

Gentlemen of the Senate:

You will perceive from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States, relative to the boundary line between our Eastern, and their territories. A plan for deciding this difference was laid before the late Congress; and whether that, or some other plan of a similar kind, would now be eligible, is submitted to your consideration.

In my opinion, it is desirable that all questions between this and other nations be speedily and amicably settled; and in this instance, I think it advisable to postpone any negotiations on the subject, until I shall be informed of the result of your deliberations, and receive your advice as to the propositions most proper to be offered on the part of the United States.

As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, &c. I am the more solicitous that the business now submitted to you may be prepared for negotiation, as soon as the other important affairs which engage your attention will permit.

GEO. WASHINGTON.

[Public Paper referred to in the foregoing message.]

COMMONWEALTH OF MASSACHUSETTS.

Resolve for appointing Agents to repair to the Eastern part of this State, to inform themselves of encroachments made by British subjects, and instructing them how to proceed.—July 7, 1784.

Whereas the United States in Congress assembled on the twenty-sixth day of January last past, recommended to the Governor of this Commonwealth to cause inquiry to be made whether encroachments had actually been made on the territories of this State by the subjects of his Britannic Majesty, the Governor of Nova Scotia; and it appearing that great encroachments have been made on the said territories:

Resolved, That three gentlemen be appointed by the General Court, whose duty and business it shall be to repair to the eastern part of this State, and there inform themselves what encroachments have been made by his said Britannic Majesty's subjects, on the territories of this Commonwealth; and if they find such have been made, that they make representation thereof to the Governor of Nova Scotia, and request him, in a friendly manner, and as a proof of that disposition for peace and harmony which should subsist between neighboring States, to recall from off the said territory the said subjects of his Britannic Majesty, so far as to have encroached thereon; that they receive any communications on the said subject which may be made by the said Governor of Nova Scotia, and make report of their proceedings herein to the General Court.

Resolved, That His Excellency the Governor make a commission, under the seal of the commonwealth, to the agents to be appointed as aforesaid, to transact the said business, and transmit to the said Governor of Nova Scotia a copy of these resolves.

Deposition of John Mitchell, dated October 9, 1784.

The subscriber, an inhabitant of Chester, in the State of New Hampshire, voluntarily makes the following declaration, to wit: That I was employed by His Excellency Francis Bernard, Esq. Governor of the Province of Massa-
chusetts Bay, in April, 1764, as a surveyor, in company with Mr. Israel Jones, as my deputy, Mr. Nathan Jones, as commanding officer of a party of troops, and Captain Fletcher, as Indian interpreter, to repair to the bay of Passamaquoddy, to ascertain the Indians usually residing there, and from them to ascertain the river known by the name of the St. Croix. We accordingly assembled upwards of forty of the principal Indians upon an island then called L'Atereel in the said bay of Passamaquoddy. After having fully and freely conversed with them upon the subject of our mission, the chief commissioned three Indians to show us the said river St. Croix, which is situated nearly six miles north, and about three degrees east of harbor L'Tote, and east northeast of the bay or river Schoodic, and distant from it about nine miles upon a right line. The aforesaid three Indians, after having shown us the river, and being duly informed of the nature and importance of an oath, did, in a solemn manner, depute to the truth of their information respecting the identity of the said river St. Croix, and that it was the ancient and universally known amongst them by that name. We proceeded conformably to this information in our surveys; and in August following, I delivered to Governor Bernard, three plans of the said river St. Croix, and the said bay of Passamaquoddy. 

JOHN MITCHELL, Surveyor.

SUFFOLK, ss.

The above named John Mitchell personally appeared, and on solemn oath, declared that the above by him subscribed is true.

Before me, 

EZEKIEL PRICE, Justice of the Peace.

JOHN AVERY, Jun. Secretary.

Report of Generals Lincoln and Knox to the Governor of Massachusetts, dated Boston, October 19, 1784.

SIR: In obedience to your Excellency's commission, bearing date July 19, 1784, the subscribers, two of the commissioners named therein, proceeded, the latter end of August, to the bay of Passamaquoddy, and there endeavored to inform themselves of what encroachments had been made by the subjects of his Britannic Majesty on the territories of this State.

They beg leave to inform your Excellency, that a very considerable number of British subjects are settled at a place called St. Andrews, on the eastern bank of the river Schoodic, which, in the opinion of your commissioners, is clearly within the limits of this State.

By the British's leave, they will recite a short state of facts on which this opinion was formed.

There are three very considerable rivers which empty themselves into the bay of Passamaquoddy, which is from five to seven leagues wide. The eastern river falls into the bay about a league from the head of it, and perpendicular to the eastern side; the middle river falls into the bay far on the western side of the head of St. Croix, which, after running parallel therewith; the western river falls into the bay about six leagues from the head of it, on the westerly side, and perpendicular to it: all of which, in late British maps, are called St. Croix. The firsts, by the Indians, called Magacadava, the second Schoodic, and the third Cobocook.

From every information the subscribers could obtain, on an inquiry of the Indians and others, the eastern river was the original St. Croix. This is about three leagues east of St. Andrews, where the British inhabitants have made a settlement. Soon after the subscribers received their commission, they wrote to Mr. Jay, requesting him to give them information whether the commissioners for negotiating the peace confined themselves, in tracing the boundaries of the United States, to any particular map, and if any one, to what? Since their return, they received his answer, mentioning that Mitchell's map was the only one that the commissioners used, and on that they traced the boundaries agreed to. This, in the opinion of the subscribers, is a fact which must facilitate an equitable decision of the matter though Mitchell's map is not accurate, at least in the description of the eastern parts of this State. He has described but two, instead of three rivers, which empty themselves into the bay of Passamaquoddy. The eastern of those he places at the head of the bay, near the centre of it, and calls it St. Croix. The western river he has called by the name of Passamaquoddy. Hence it is plain, that though the map is inaccurate, yet the eastern river, which empties itself into the bay, is, in the opinion of Mr. Mitchell, the St. Croix. This opinion is further supported by the deposition of Mr. Mitchell accompanying this report. The subscribers are informed that the Mr. Jones, mentioned in the deposition, is soon expected in this town, who will depose the same facts.

The subscribers further represent, that they find in the maps of a quarto volume, published in Paris, in 1744, from Charlevoix's voyage to North America, made in 1694, two rivers delineated at the head of the bay of Passamaquoddy, the western of which is called Passamaquoddy, the eastern St. Croix.

Although the mouth of the river St. Croix is but little more than three leagues east of the banks of the Schoodic, upon which the British subjects are settled, yet, from the different courses of the two rivers, the source of the western branch of the Schoodic is nearly an hundred miles from the source of the St. Croix.

From a view of the rapid improvements made by the British subjects on the banks of the Schoodic, the subscribers could not but suppose that the idea of their removal would always embarrass a settlement of the line agreeably to the treaty of peace. They therefore have thought it their duty to suggest the propriety of quieting such British settlers in their possessions, who are desirous of becoming inhabitants of the United States. That the General Court might have time to take this matter into their consideration, they have deferred writing to the Governor of Nova Scotia, though they could not have done this until within a few days past, from the necessary delays which have attended the procuring the evidence relative to the ancient St. Croix. Want of health prevented the attendance of Mr. Partridge.

We have the honor to be, sir, &c.

B. LINCOLN,
H. KNOX.

True copy. Attest, 

JOHN AVERY, Jun. Secretary.

Extract of a letter from His Excellency John Adams, Esq. to His Honor Lieutenant Governor Cushing.

AUTEUIL, near Paris, October 25, 1784.

In writing upon the subject of the line between Massachusetts and Nova Scotia he observes as follows:

"We had before us, through the whole negotiation, a variety of maps, but it was Mitchell's map upon which was marked out the whole of the boundary lines of the United States and the river St. Croix, which we fixed on, upon that map the nearest river to St. Johns; so that in all equity, good conscience, and honor, the river next to St. Johns should be the boundary. I am glad the General Court are taking early measures and hope they will pursue them steadily until the points settled, which it may be now, amicably; if neglected long, it may be more difficult."

Attest, 

JOHN AVERY, jun. Secretary.
SIR:

I have the honor to enclose to your Excellency a resolution and proclamation of Congress respecting the boundary line at the eastern part of this commonwealth; and am to inform you, that, agreeable to the said resolution, an inquiry has been made by a respectable committee, appointed by this government for that purpose, who have reported, that, upon a most careful examination of the evidence respecting the ancient boundary between Nova Scotia and this State, they found the most easterly of the three rivers which empty themselves into the bay of Passamaquoddy to be the ancient line, and that the boundary established by the late treaty so happily concluded between the crown of Great Britain and these States. The committee also report, that the subjects of his Britannic Majesty have made encroachments upon the territory of this Commonwealth, a large number of whom are now possessing themselves of lands within the boundary of the said treaty, and that the said encroachments are such as to render them very dangerous to the safety and tranquility of our citizens.

The government of this State, sir, is no less desirous than the United States in Congress assembled, of cultivating that peace and harmony which I hope will ever subsist between the citizens of the States and the subjects of his Majesty; wherefore, in pursuance of the resolution of Congress, I am to request your Excellency will be pleased to recall from off the said territory all those subjects of his Majesty who have removed themselves from his dominions, and planted themselves within this commonwealth.

I shall be always ready to give immediate attention to such communications as your Excellency shall be pleased to make upon this or any other subject.

I have the honor to be, &c.

JOHN HANCOCK.

HALIFAX, December 7, 1784.

GENTLEMEN:

As the plan I furnished you on my return from the eastern country, was much more extensive than what was barely necessary for the delineation of the lands which I surveyed for government, comprehending so much of the Passamaquoddy country as I thought sufficient to give a pretty clear idea of the grounds in dispute between this commonwealth and Nova Scotia, respecting our eastern boundary, if it is not my duty as a servant of the public, I ask their indulgence as a citizen, to mention several matters by way of information and explanation of my plan, and also to make a few observations on the respective claims of the two nations in that quarter.

From Mr. Jones, who is the principal surveyor employed by the British in that quarter, since the peace took place, I learned that they consider the Schoodicck or the St. Croix intended in the treaty; that they fix the mouth of that river at the Devil's Head, which you will see marked in township No. V. in my plan and the bays of Schoodicck, St. Andrews, Cobescook, &c. &c. formerly comprehended under the general name of Passamaquoddy, they consider as arms of the sea, or parts of the bay of Fundy. Hence then, they say, that is, at the Devil's Head, the following description in the treaty begins, viz. "bounded east by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source."

Again, a line drawn from the mouth of St. Croix, at Devil's Head, to the mouth of St. Mary's river, between Georgia and East Florida, they consider as a boundary, to the eastward of which we have no claim on the main land or among the islands, nor yet to the islands westward of such a line, except they lie within 20 leagues of the sea coast or main land, and have not been granted by the government of Nova Scotia. Again, in consequence of their claiming the Schoodicck river for the St. Croix, all the lands to the eastward of it, as high as the first falls above Mill Island, marked in my plan, are surveyed and granted to the refugees, and others, after a judgment of escheat being passed on them: for they were formerly granted to others, as may be seen in the copy of the Halifax plan.

A straight line, says Mr. Jones, drawn from the Devil's Head to the mouth of St. Mary's river, as above mentioned, will fall on the north shore of the bay of Fundy, about two miles of little Machias river. The direction of this line across my plan, is marked on the southern edge of it, and in consequence of their claiming such a line, not only all the islands in the bay of Passamaquoddy, whether granted before the peace, or since, they claim as theirs; but the Island of Grand Manan has been granted by the Governor of Nova Scotia to certain proprietors; and on the same principle, a few days before I left the country, Mr. Jones began the survey of Seward's Neck.

Their settlements keep pretty equal pace with their surveys. The island of Grand Manan has several settlers on it already, as well as a number of smaller islands in the eastern part of Passamaquoddy Bay. The town of St. Andrews is a flourishing town, and has lately bought a hundred houses; and a town at present called Schoodicck, near the head of navigation, has near one hundred houses; besides which there is a township at the head of Oak Bay granted to a company of associates, at the head of which is a Mr. Norwood from Cape Ann; another township, west of this, is surveyed for a company from Connecticut; and these companies obtain the same supplies of provision as the refugees do.

The reason why they have made no survey on the main land between the Devil's Head and Pleasant Point, or on Moose Island, I presume is because they consider these lands as the property of Sir Francis Bernard and his associates, and that no judgment of escheat respecting them has yet taken place.

Upon supposition that the Magogadavca river, or eastern St. Croix, from the falls, makes a north course up to its source, and the river Schoodicck does the same out of the upper pond marked in my plan, then the tract of land, between the two rivers in dispute, will be in extent east and west nearly thirty-six miles, and by a London map, published immediately after the peace, at least 120 miles north and south, so that the two rivers in all probability did make a difference of 120 townships of 6 miles square, within which there is no doubt a great quantity of good lands.
Again, to draw a line as they propose from the Devil's Head, will cut off at least a quantity of land equal to four or five townships of 6 miles square, besides the island of Grand Manan, and the small islands on the southern side of that quarter, which is equal to three or four such townships together, with Moose Island and some others, whose quantities the commissioners are not in a position to value of the island of Grand Manan, it is impossible to consider that the remainder of the lands bordering on the Schoodic and Cobbcook rivers will be of little value to their owners, if they have no communication with the sea but what depends on the courtesy of their British neighbors. The bay of Passamaquoddy at present affords great plenty of fish; but the island of Grand Manan and those in that quarter. The island of Grand Manan has a good harbor towards the southeast part of it, and its southern shore is lined with a number of small islands, among which, and in the vicinity of them, great plenty of fish are taken; and the shoals off the west side of it are so small as not to impede the entrance into the bay of Passamaquoddy; so that in respect of both farming and fishing these islands are of no small consequence.

But where the gentlemen of Nova Scotia have got the idea that the United States are bounded by a line drawn through the Atlantic ocean, from the mouth of St. Mary's river to the mouth of the St. Croix, is hard to conceive. For there is no such line drawn on any chart. There appears to be, not only Mr. Jones, and other refugees, are fallen into the mistake; but Governor Parr must have done so too, or otherwise he would not have patented the island of Grand Manan; for, as Mr. Jones told me, it had never been granted before, it cannot now possibly belong to Nova Scotia, on any other principle but the establishment of such a line.

With respect to the islands, the words of the treaty are these; "comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundary between Nova Scotia touches the one part, and East Florida the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands," &c. Now, whenever we can find that point, viz., the middle of the mouth of St. Croix river, in the bay of Fundy, we are to draw a line due east from that point, and all islands lying to the south of that line, due to the north of the bay, to the mouth of the river St. Croix; and within twenty leagues of the shore or main lands of the United States, are by the treaty excepted to them, "except such islands as now are, or heretofore have been, within the limits of said province of Nova Scotia." Now although at present it may be uncertain where to fix this point, viz, the middle of the mouth of the river St. Croix, yet the position of it, and the course of the line, is certain, from the plan, it is certain that if you fix it any where about the bay of Passamaquoddy, a line drawn due east from thence will leave the whole island of Grand Manan; and this island, lying within much less than twenty leagues of the shore or main land, of course belongs to the United States; therefore, Governor Parr could never grant this island to Nova Scotia. This line, as it makes a boundary, has a much more serious than was at first apprehended. If the Schoodic be the St. Croix, in the treaty, I agree with the Nova Scotia gentlemen that the real mouth of that river is at the Devil's Head; but I by no means admit this to be the mouth intended by the commissioners who formed the treaty; for to draw a line due east from thence, not only crosses over a tract of main land before it touches the bay of Fundy proper, and would give every island in the bay of Passamaquoddy to the United States; but also, all the islands along the shore to the eastward of Passamaquoddy for several leagues, which I can by no means suppose to be intended. And if we fix this point in the middle mouth of the Megagadacava, in St. Croix river, it will be involved in the same difficulties as before; so that, whichever be the St. Croix intended, the point mentioned in the treaty must be in some other place than either of these I have mentioned; and the most probable opinion I have been able to form of the matter is, that the St. Croix mentioned in the treaty is the Passamaquoddy, and the Passamaquoddy is the St. Croix river; and their real intention was, that a line beginning in the middle of this mouth, at a point where it joins the bay of Fundy, that is, on a line drawn from the west to the east cape or head land that forms the bay of Passamaquoddy, from thence, drawn through the middle of this bay or mouth, and along the middle of the St. Croix to its source, &c. &c., should be our eastern boundary. My reasons for this opinion are these: from this point, wherever it is, a line is to be drawn due east, in order to determine what islands belong to the United States, and what not. Now, to draw such line from any point within the eastern cape, or head land, must cross over a tract of main land before it can touch the bay of Fundy proper, and involve us in all those difficulties respecting the islands near the eastern shore beyond Passamaquoddy which I have before mentioned. Again, the bay of Passamaquoddy is not mentioned in all the treaty, although noticed in Mitchell's map, and all the maps of that country in the American atlas wherefore the commissioners I conceive must consider it as a part of the bay of Fundy, or as the mouth of the St. Croix. We have no right to this bay of Passamaquoddy; we have no claim to it, so far as I can see, in the treaty; and Mitchells map, a line drawn from the eastern and western capes, and bisected in the middle, strikes me as the identical point intended by the commissioners; hence, a line drawn due east escapes the eastern cape, and defends all those islands which are the islands belonging in a rational and consistent manner from hence also, against the Passamaquoddy, and the islands therein, which is natural to suppose was intended; and if we inspect the several maps in the American atlas, the same ideas naturally arise; and upon this principle most if not all Campobello, and a great part of Deer Island, belongs to us, for the exceptions are respecting those islands only which are situated between lines drawn due east from certain points mentioned in the treaty.

With respect to the river intended by the commissioners, as the boundary between us and Nova Scotia, I think they alone must determine; for as they are entirely silent with respect to any description but the bare name of St. Croix, and as the Passamaquoddy and Megagadacava have both obtained that name, I think it impossible to determine which is the river intended by the description they have given us. It may, however, be well to observe, that the river Schoodic, or a river by the name of Schoodic, is not to be found in Mitchell's map, the American atlas, or any other I can see. Yet, one of his St. Crois has a lake which he calls Komaki. This is evidently an Indian name, but it is not the name of either of the lakes or ponds on the Schoodic that I have heard of. Mr. Jeffers, author of the American atlas, in one of his maps, which he tells us is a new one made from various surveys, represents it as a lake, and has this observation, that the lake is not drawn to any scale, or the same; his name St. Croix; the eastern one he has contended as the dividing line between and Nova Scotia, and is undoubtedly the Megagadacava; the western river he calls Passamaquoddy or St. Croix. You will please to observe, that in my plan just above the last falls I have marked the mouth of a river coming in on the right, nearly as large as the Schoodic, calling it St. Croix, and that it should be a mistake. The St. Croix in my plan is supposed to be in the boundary line cannot follow the river now known by the name of the Schoodic to its source, but must be confined to the Passamaquoddy or eastern branch of the western St. Croix; for with what propriety they should claim beyond the mouth of the Schoodic a river not known in any map, the name of which should be St. Croix, it highly probable that the true St. Croix is that river on which the names originally confined to the western branch, and that the name of no connexion between the river and bay which bear the same name, and which probably were derived the one from the other, which is commonly, if not always the case.

I am, gentlemen, yours, &c.

RUFUS PUTNAM.

To Messrs. Phillips, Wells, and Davis, Committee.

True copy. Attest,

JOHN AVERY, Jun. Secretary.
The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the papers hereunder, has in the first place proceeded to call a meeting of said States, and has, in the second place, made a report to the foreign secretaries of the several States, of the proceedings of the meeting, and particularly of the representation of the case, and to propose that commissioners be appointed to hear, and finally decide those disputes.

That these measures should appear expedient to Congress, your secretary would suggest the following hints on the subject:

That the number of commissioners should be six, or eight, or ten, or twelve, at the election of his Britannic Majesty; the exact number not being important.

That two commissions of the like tenor, to be agreed upon between our and their ministers, be issued to the whole of the United States, and the other by his Britannic Majesty.

That each party shall name the one half of the whole number.

That they shall all be foreigners, or all be persons of the two nations, at the election of his Britannic Majesty; it not being important.

If he should prefer having them of the two nations, then that he shall name the one half of them being inhabitants of any of his dominions, except those which are situated in and to the west and south of the gulf of St. Lawrence; and that the United States shall name the other half, from any of their countries except Massachusetts.

That the commissioners, if of the two countries, shall sit in North America; but if foreigners, in Europe, at any place which may be agreed upon by our and their ministers. That previous to their proceeding to business, they shall respectively take an oath, fairly, impartially, and justly, without favor, favor, or affection, to hear and decide the said matters in difference, according to the best of their skill and understanding, agreeably to the directions, true intent and meaning of the said commissions.

That in case of the death or refusal to act of any of the said commissioners, previous to their opening and proceeding to execute the said commission (but not afterwards) the place of such, so dying or refusing, shall be supplied by the party who named him to the said commission, under the seal of Great Britain, or of the United States, as the case may be, directed to the said commissioners, by the style of "The commissioners for settling the boundary line between his Britannic Majesty and the United States, on the easterly side of the latter," shall be full evidence of such appointment.

That in the latter of the whole number shall be a quorum for every purpose committed to them expressly, or necessarily implied in their commissions; such as choosing their chairman, appointing secretaries and surveyors, adjourning from day to day, or for a longer term, which should not exceed ten days, deciding on matters of evidence, and finally determining the matters in difference, &c.

That they keep regular minutes of their proceedings. That all evidence, whether oral or written, be entered at large in them. That copies of all maps and surveys admitted as evidence be made and kept with their papers.

That their chairman for the time being, shall have power to administer oaths. That contempt offered to the board, while convened and sitting on the business of the commission, shall be punishable as contempt committed in a court of justice; and that a certificate by the chairman, of such contempt, delivered to any civil magistrate, shall make it the duty of such magistrate to apprehend and commit the offender to prison, there to remain until whence determined in due course of law.

That both parties shall have free access to the public offices and records of the other, and be supplied with copies or exemplifications of any parts thereof, on paying the accustomed fees.

That both the parties shall produce to the board whatever they may have to offer, within three months after the opening of the said commission by a quorum of the commissioners, at the place to be appointed, who shall sit and be ready to do business during the whole of that term, unless the parties shall, by writing, under the hands of their agents or attorneys, sooner declare that they have nothing further to offer.

That, on receiving such declarations, from both the parties, if within the said three months, or from and immediately after the expiration of that term, whichever of those events shall first happen, the commissioners shall within two days thereafter deliver their judgment in writing under their hands and seals, or the hands and seals of a majority of them, to the agents of both parties, viz. one copy for each party; and that the said judgment shall be absolute, final, and conclusive, between the said parties.

That, on having given judgment as aforesaid, or as soon as may be within two months thereafter, they shall annex transcripts of all their minutes, proceedings, and maps or surveys above mentioned, to each of the said commissions, and under their hands and seals, or the hands and seals of a majority of them; and that they shall return the same, through the former of his Britannic Majesty, to his Britannic Majesty; and the one by the United States in Congress assembled; and that the delivery of the same to their respective agents shall be deemed and adjudged to be a good and sufficient return.

That the allowance to be made the said commissioners for service and expenses be fixed by our and their minister, and that each party pay the one half thereof.

That it be expressly stipulated, that his Britannic Majesty shall, within six months after the day on which the judgment shall be delivered to the agents as aforesaid, cause the United States to be put in full possession of all the territories, lands, and islands, which by the said judgment may be adjudged to the said States, and then being in the possession of his Majesty; and on the other hand, that the United States shall, within six months after the day on which the judgment shall be delivered as aforesaid, cause his Britannic Majesty to be put in full possession of all the territories, lands, and islands, which by the said judgment may be adjudged to him, and then being in the possession of the United States. All which is humbly submitted to the wisdom of Congress.

JOHN JAY.
Suffolk, ss. Boston, March 17, 1785.—The above named Nathan Jones personally appeared, and on oath declared, that the above by him subscribed is true.

Before me, EZEK. PRICE, Just. Peace.

True copy. Attest, JOHN AVERY, Jan. Secretary.

Copy of a Letter from Governor Carleton to Governor Hancock.

St. JOHNs, New Brunswick, June 21, 1785.

Sir:

In consequence of a letter from your Excellency to the Governor of Nova Scotia, which has been transmitted to his Majesty’s ministers, respecting the boundary between this province and the State of Massachusetts Bay, I have it in charge to inform your Excellency that the great St. Crox, called Schoodick by the Indians, was not only considered by the court of Great Britain as the river intended and agreed upon in the treaty, to form a part of that boundary, but a numerous body of the loyal refugees, immediately after the peace, built the town of St. Andrews on the eastern bank thereof. And in fact, it is the only river on that side of the province, of either such magnitude or extent as could have led to the idea of proposing it as a limit between two large and spacious countries.

In making this communication concerning a point of great public importance, I cannot entertain a doubt, sir, of your Excellency’s concurrence with me in contributing to the complete observance of the treaty subsisting between Great Britain and the United States of America, as far as may in any instance immediately respect the State of Massachusetts and the Province of New Brunswick; and I hope, and am persuaded, that if any further question on this subject should arise between us, it will be considered on both sides with a temper and attention essential for the preservation of national peace and harmony.

I have the honor to be, &c.

THOMAS CARLETON.

His Excellency Gov. HANCOCK.

COMMONWEALTH OF MASSACHUSETTS.

Resolved, That His Excellency the Governor be desired to transmit a copy of the foregoing letter to the delegates of this State in Congress, to be by them communicated to the United States in Congress assembled.

Sent down for concurrence.

In the House of Representatives, July 1, 1785.

Read and concurred.

SAML. PHILLIPS, Jun. President.

NATHANIEL GORHAM, Speaker.

JAMES BOWDOIN, A true copy. Attest, JOHN AVERY, Jun. Secretary.

Letter from James Avery to Governor Bowdoin.

PASSAMAQUODDY, August 23, 1785.

Sir:

Being at this place on some private business of my own, I was informed that the government of New Brunswick had asserted their claims to Moose Island, Dudley and Fred Isle, all lying to the westward of Schoodick river. These islands were surveyed last season by General Putnam, by order of the committee on eastern lands, and the two last mentioned sold by them to Colonel Allan, who, with Mr. De Lesdernier settled thereon, built houses and stores, and cleared up the lands at a great expense. Moose Island is large, and well situated for trade, and has a number of worthy inhabitants settled on it. A few days ago Mr. Wier, high sheriff for Charlotte county, posted up advertisements on Moose Island, directing the inhabitants to attend the courts at St. Andrews as jurymen. This alarmed the inhabitants, as they were threatened, in case of refusal, to be deprived of their estates. Some weak and designing minds were for complying; others determined not at all events. Application was made to me by Colonel Allan, the naval officer, Colonel Crane, Major Trescott, with a number of other principal gentlemen, to do something to counteract the proceedings of Mr. Wier; as it would be very detrimental to the claims of our Government in settling the boundary in regard to the islands, for the inhabitants to obey and acknowledge the jurisdiction of Great Britain; therefore I went on to the island, and warned them (as a Justice of the Peace) that, as they were subjects of this commonwealth, not to obey the orders of any other power whatever. This I conceived my duty to do, more particularly as it is part of my district as collector of Excise, and I have a deputy on the same island. This matter is of the utmost consequence to our Government: for, should the British take in these islands, we should be entirely cut off from going up the river Schoodick. And likewise, these islands having been surveyed by order of the commonwealth, and two of them sold to gentlemen who have laid out as much as five or six hundred pounds in buildings and improvements, our Government must in honor protect them, or repay what damages they may suffer. Since this matter had taken place, I was up to St. Andrews on some business of my own, and had a long conversation with Mr. Wier, the high sheriff, Mr. Pagan, and other principal persons. They say they acted by advice and directions of Judge Ludlow, who is of opinion that all the islands in the Bay of Passamaquoddy belong to New Brunswick, and are determined to support their claim; and should the inhabitants refuse to obey their summons, they may depend on being punished. They also let me see a long letter from Lord Sydney, wherein he informs, that notwithstanding the opinion of the Massachusetts, and the report of Generals Knox and Lincoln (which was then before him) his Majesty’s servants were fully clear that Schoodick was the boundary; and his Majesty’s subjects settled between that and the Madecadawei (or what we call St. Croix) might fully rely on their protection. Mr. Wier made use of many arguments to show the propriety of their claims to all the islands; among others he said, before the war, the inhabitants on all of them, in any of their disputes, applied to magistrates belonging to Nova Scotia for redress, and acknowledged themselves subjects of that Province; and the Massachusetts not asserting any right over them was tacitly acknowledging it to be so.

I hope your Excellency will not think I have been too forward. I acted from a principle of public good. Agreeable to the principle they advance, (as well as Lord Sheffield’s ideas in his publications) if the inhabitants should acknowledge the jurisdiction of that government, it would more fully support their claims, which I consider would not be the case. The time was so short it would not admit of the inhabitants receiving any orders from your Excellency on the subject before the time they were directed to attend. I shall continue to keep a deputy collector of Excise on Moose Island to regulate that business, until I receive orders from your Excellency to the contrary.

I have the honor to be.

JAMES AVERY.

His Excellency JAMES BOWDOIN, Esq.

A true copy of the original letter.

Attest, W. HARRIS, Dep. Secretary.
COMMONWEALTH OF MASSACHUSETTS.

Advice of Council respecting encroachments at the Eastward.—September 9, 1785.

His Excellency the Governor laid before the Council a letter from James Avery, Esq., relative to the Government of New Brunswick asserting their claims to Moose Island, Dudley and Fred Island, all lying to the westward of Schoodic river, and requested their advice upon the subject: Thereupon advised. That His Excellency the Governor accords James Avery, Esq., the Governor and Council highly approve of his vigilant attention to the important interest of the commonwealth; and that the said James Avery be directed to inform the inhabitants of the said islands that the said islands are within the jurisdiction of this commonwealth; and that this Government, confiding in their fidelity, expect and require the inhabitants of the same to conduct themselves in every respect as becomes true and faithful subjects of this commonwealth; that a letter be wrote by his Excellency the Governor to the Governor of New Brunswick, upon the subject of these encroachments; and that a copy of the letter from James Avery be sent to our delegates at Congress, with the proceedings of the Governor and Council upon this business, to be laid before Congress.

Letter from Governor Bowdoin to Governor Carleton.

Sir:—I am informed by a gentleman who is an inhabitant in the eastern part of this commonwealth, that the Government of New Brunswick hath asserted a claim to Moose Island, Dudley and Fred Island; but I flatter myself he has been mistaken in the idea of the real facts; and am, in the name of the sheriff of your county of Charlotte, (Mr. Wier) grounded on the advice and direction of Judge Ludlow, in advertising and directing the inhabitants of Moose Island to attend the courts at St. Andrews, as jurymen, upon pain, in case of refusal, of forfeiting their estates.

As I am not informed that your Excellency has interposed your authority, I am inclined to believe that my informant had been premature in forming an opinion that the Government of New Brunswick had given its sanction to a measure altogether unexpected and unsupportable. I have, however, given your Excellency this information, assuring myself that your Excellency will take order effectually to prevent the above-mentioned, and every other encroachment on the territorial rights and sovereignty of this commonwealth and of the United States.

With regard to the lands lying to the eastward of the river Schoodic, and between that and the river St. Croix, or, as the Indians call it, Magacadavira, relative to which some of the subjects of Great Britain under your immediate government appear to have adopted an improper opinion, it is a matter before Congress, who, I am assured, will give instructions to their minister at the court of London to assert and maintain their just claims, as set forth in the treaty agreed to between the two nations.

I have the honor to be, &c.

His Excellency Thomas Carleton, Esq.,
Governor of the Province of New Brunswick.

JAMES BOWDOIN.

Report of the Secretary for Foreign Affairs.

OFFICE FOR FOREIGN AFFAIRS, September 29, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred certain official papers delivered to Congress by the delegates of Massachusetts, on the 19th instant, relative to attempts of the province of New Brunswick to extend their jurisdiction to Moose Island, &c. reports—

That, in his opinion, the advice given by the Council to his Excellency the Governor of Massachusetts, on the 9th instant, was proper; and that, as one unopposed encroachment always pays the way for another, the commonwealth of Massachusetts be advised by Congress to proceed, without noise or delay, to garrison such places in their actual possession as may be most exposed.

Your Secretary proposes by these garrisons to support the inhabitants in their allegiance, and to overawe New Brunswick peace officers, whom impudence might tempt to be insolent and troublesome. He thinks these garrisons should not be so large as to give alarm; that they should be under select and discreet officers; that they should be formed by immediate detachments from the militia of some of the other counties; be at continental charge, and be, as soon as may be, relieved by detachments from the continental troops raised or to be raised for the frontiers; that they should be ordered to pass our limits, and to act only on the offensive, or when called upon to support the civil authority. However delicate this measure may appear, it may, in the opinion of your Secretary, be safely confided to the prudence of the Governor and Council of Massachusetts.

Nothing should be done to provoke hostilities on the one hand, and, on the other, it must be remembered, that too great and manifest reluctance to assert our rights by arms, usually invites insult and offence.

Your Secretary is very apprehensive that, to permit these disputes to remain unsettled, will be to risk mutual acts of violence, which may embroil the two nations in a war. He therefore takes the liberty of calling the attention of Congress to a report he had the honor of making to Congress on this subject the 31st of April last.

Your Secretary thinks that no nation can, consistent with the experience of all ages, expect to enjoy peace and security any longer than they may continue prepared for war; and he cannot forbear expressing his fears that the United States are not at present in that desirable situation. As the 11th article of the treaty of alliance between his Most Christian Majesty and the United States contains an explicit and perpetual guaranty of all the possessions of the latter, your Secretary thinks it would be advisable to apprise the court of France of the disputes in question, that his Majesty may co-operate with the United States in measures proper to bring about a settlement of them. In his opinion, these measures should be formed and pursued in concert with France, and in such a manner as that she may have no just cause to be dissatisfied, or to say, that, as we acted without her concurrence, we alone are to be responsible for the consequences. All which is submitted to the wisdom of Congress.

JOHN JAY.

UNITED STATES IN CONGRESS ASSEMBLED, October 15, 1785.

Resolved, That copies of the papers and documents received from the Governor of the State of Massachusetts, respecting the encroachment made by certain subjects of his Britannic Majesty upon the territories of that State, and within the boundaries of the United States, be transmitted to the minister plenipotentiary of the United States at the court of London, to the end that effectual measures should be immediately taken to settle all disputes with the crown of Great Britain relative to that line.

Resolved, That the said minister plenipotentiary be, and hereby is, instructed to present a proper representation of this case; and if any adjustment, consistent with the true meaning of the definitive articles of peace and friendship
between the United States and his Britannic Majesty, cannot, by such representation, be obtained in the ordinary mode of negotiation; that he propose a settlement and final decision of the said dispute by commissioners mutually appointed for that purpose; for the appointment of whom, and for all purposes incident to the final determination of the said dispute, by commissioners conformably to the laws of nations, the said minister plenipotentiary is hereby vested with full powers on behalf of the United States of America.

CHARLES THOMSON, Secretary.

Copy of a letter from the Hon. John Jay to the Hon. John Adams.

NEW YORK, November 1, 1785.

DEAR SIR: I have the honor of transmitting to you, herewith enclosed, an act of Congress of the 13th ult. respecting British claims and encroachments on our eastern boundaries, and instructing and authorizing you to take proper measures for amicably settling the difference there arising. You will also find herewith enclosed the several papers and documents referred to in that act, and of which a list is hereto subjoined.

It also appears to me expedient to send you copies of two reports which I have made to Congress respecting these matters, not for your direction, but that you may thereby be fully informed of my sentiments on this interesting subject.

With great regard, I am, &c.

JOHN JAY.

Hon. John Adams.

To the President, the Senate, and House of Representatives of the United States of America, in Congress assembled:

The petition of James Boyd, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, esquire, humbly sheweth, That your petitioner was possessed, from the year 1767 to the beginning of our contest with Great Britain, of very large property in lands situated on the eastern bank of the river Schoodic, granted him by the British Government of Nova Scotia; and that, during said period, he introduced many families on the same lands, at his own charge, and expended much property in getting the same under considerable improvement and cultivation; but, feeling himself attached to the cause of America, he took such an active part in their favor that the resentment of the British subjects in that province compelled him to leave the country, and flee to the protection of the United States; and that, in consequence thereof, he has suffered poverty and distress from that day to the present time; that the said lands which your petitioner held are on the western side of the river St. Croix, and within the dominions of the United States, but unjustly now held in possession by British subjects; that the facts aforesaid and your petitioner's situation have been particularly set forth to Congress by the presentment of this commonwealth, in a letter of instructions to their delegates, in the year 1786, signed and transmitted by the then Governor Bowdoin, and which is now on the files of Congress, accompanied with a number of letters from Governor Bowdoin, the present Governor Hancock, and others, upon the subject to which your excellency and honors will have ease to be referred; that your petitioner, by his thus quitting the British and joining the American interest, has been subjected to peculiar hardships and difficulties, which, with a large family, he has with great anxiety sustained. But, confiding in the power and disposition of the present Congress of the United States to do him complete justice, he requests them to put him in possession of the lands aforesaid, now held by British subjects, on this side the line between the two dominions, or otherwise recompense your petitioner, who has lost the whole of his property and means of procuring a comfortable subsistence, in consequence of his attachment as aforesaid.

Your petitioner would further shew, that he is possessed of papers, and that John Mitchell, Esq. of the State of New Hampshire, (now an old man about 76 years of age) is also possessed of papers that may be useful in determining the real situation of the river St. Croix, intended by the late treaty of peace to be the dividing line between the dominions of the United States and Great Britain, as will appear by a plan taken in the year 1764, by the said Mitchell, and another taken by the surveyor general of Nova Scotia the year following, and now in the possession of your petitioner, who, as in duty bound, will ever pray, &c.

JAMES BOYD.

Boston, November 27, 1789.

True copy; George Taylor, Jun. Chief Clerk in the Department of State.

Commonwealth of Massachusetts.

Letter of Instruction to the Delegates at Congress, respecting James Boyd, to be signed and forwarded by the Governor.—November 10, 1786.

On the petition of James Boyd, Esq. a letter of instruction to the delegates of this commonwealth at Congress:

It having been represented to this Court by James Boyd, Esq. now resident in Boston, that he obtained from the British Government, in the year 1767, a grant of fifty thousand acres of land, lying on the banks of the river Schoodic, and that the said Boyd went on, and possessed the said lands, introducing at his own charge a large number of families, and that he was at great expense for cattle and farming utensils of all sorts, as well as in the erecting of necessary nails and water works; but, in the beginning of the late war between Great Britain and these States, he took such an active and decided part in favor of the latter, that he soon became very obnoxious to the resentment of the British, and was obliged to leave all his property and possessions, and flee to the protection of the United States; that he has resided in Boston until the present time in hopes that his aforementioned lands would fall within the bounds of the United States; and that he, his wife, and all his children, have been left thus destitute, and that the said lands are on the western side of that river, which we suppose to be the St. Croix, mentioned in the treaty, and the boundary line between the Nova Scotia and these States; but that, as the British subjects are at present in the possession of those lands, the said Boyd is unjustly prevented from returning there to occupy and improve them: As we esteem him to have been a good friend to this country, and still to remain such, and one who is at present deprived of the possession of a large interest in consequence of his attachment to us, we instruct you to recommend him to the attention and favor of Congress, and to move that honorable body to afford him such relief as they may think proper.

And, ordered, That the aforesaid letter be transmitted, and that his Excellency the Governor be requested to sign and transmit the same to the delegates from this commonwealth in Congress.

Observations on the western limits of that part of Nova Scotia now called New Brunswick, &c.

Mr. Bernard, the Governor of Massachusetts Bay, in the year 1764, caused a survey of the bay of Pessamaquoddy to be made, and proposed making grants of land as being within his government. The next year Mr. Wilmot, the Governor of Nova Scotia, sent the chief land surveyor to make a survey of that bay, when, upon full inquiry, it was found there were three rivers called St. Croix, all emptying into that bay; that the river called by the Indians Cooscook, was anciently called by the French St. Croix; and on examining into the original grants of Nova Scotia, it appears, the grant made by King Charles II. to his brother the Duke of York, in 1663, (called the Duke of York's territory) was bounded by the river St. Croix, to the eastward, and by the river Kennebec, to the

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westward; and on the 19th of August, the same year, Sir William Alexander obtained a grant of Nova Scotia, bounded westerly as far as the river St. Croix, and to the furthermost source or spring which first comes from the west to mingle its waters with those of the river St. Croix, and from thence running towards the north, &c. &c. All the islands in Passamaquoddy Bay are included in this grant, and have ever since been deemed to belong to Nova Scotia. Upon Governor Wilhelum's transmitting to Governor Bernard the plans and reports made by the surveyor of Nova Scotia, in 1765, Governor Bernard the same year applied to, and obtained a grant from, the Governor of Nova Scotia, of one hundred thousand acres, including Moose Island, for himself and associates, Thomas Pownall, John Mitchell, Thomas Thornton, and Richard Jackson, between Cobscok and Schoodic rivers on the western side of Passamaquoddy Bay; and the remainder of the principal islands in that bay were granted by the Governor of Nova Scotia the same year; and the whole of Passamaquoddy Bay, together with Grand Manan, and all the islands in the bay, have been deemed to be within the limits of Nova Scotia until the separation of New Brunswick from it.

By the definitive treaty of peace, signed at Paris, September 3, 1785, the eastern limits or boundaries of the United States are thus described:

East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy, to its source, and from its source north to the highlands, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between the United States and those from the river source where the aforesaid boundary between Nova Scotia on the one part, and East Florida on the other part, shall respectively touch the bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have, been deemed within the limits of Nova Scotia.

Thus it is clearly evident, that Grand Manan, Passamaquoddy, Great Island now called Campo Bello, Deer Island, Moose Island, and all the islands lying within that bay, whether on the southern or northern side the line drawn due east from the mouth of St. Croix river, should, as formerly, belong to Nova Scotia or New Brunswick.

Whether Schoodic, or whether Cobscok is the river that this treaty fixes on for the boundary, I will not presume to say; but from the manner in which these boundaries are described, I should deem that river to be the river St. Croix intended, whose source should be found farthest into the country westward and northward toward the high land mass which is seen in the treaty being conferrable to the old grants before named; and if my conjecture is well founded, the St. Croix mentioned in the treaty cannot be properly ascertained, until accurate surveys are made, and proper commissioners appointed to determine thereupon.

Remarks for Capt. Browell, 1789.

Extract from the Journals of Congress, January 29, 1784.

On the report of a committee, consisting of Mr. Jefferson, Mr. Osgood, and Mr. Williamson, to whom were referred a letter of the 25th December, 1783, from John Allen, and the papers therein enclosed: Resolved, That a copy of said letter be sent to the Governor of Massachusetts, with a recommendation that he cause inquiry to be made, whether the encroachments therein suggested, have been actually made on the territories of the State of Massachusetts, by the subjects of his Britannic Majesty, from the government of Nova Scotia; and if he shall find any such to have been made, that he send a representation thereof to the British Governor of Nova Scotia, with a copy of the proclamation of the United States, of the 14th instant, which is to be enclosed to the Governor of Massachusetts, in order that proper inquiries may be instituted in the United States, and as a proof of that dispatch from the British government, which supports the peace and harmony which should subsist between neighboring States, to recall from off the said territory, the said subjects of his Britannic Majesty, so found to have encroached thereon; and that the Governor of Massachusetts be requested to inform Congress of his proceedings herein, and the result thereof.

Extracts from Douglass's Summary, Historical and Political, of the First Planting, Progressive Improvements, and Present State of the British Settlements in North America.—London, printed 1766, page 530, section 7th, first volume.

"As the Cape St. and St. Jones Indians persisted in their hostilities against the subjects of Great Britain, in November, 1744, the government of Massachusetts Bay declares war against them, declaring them enemies and rebels; because they had joined the French enemy in blocking up Annapolis; had killed some British subjects, and had committed other depredations. The Passamaquoddy, Penobscot, Noridgewog, Pigwichtig, and other Indians westward of St. Jones, are forbad to have any correspondence with those Indian rebels. For all Indians eastward of a line, beginning at three miles east of Passamaquoddy, and running north to St. Lawrence river, the government settles for a short time premiums, viz: £100 new tenor for a male of 12 yrs. and upwards scalped, and £105 new tenor if capitivated for women and children £50. 455 captives. Some time afterwards it was found that the Penobscot and Noridgewg Indians also joined with the French."

Page 330, section 7th. "When Massachusetts Bay colony obtained a new charter, (their former charter was taken away at the same time with many corporation charters in England, in the end of Charles II. and beginning of the like or more arbitrary reign of James I.) 7th of October, 1691, Nova Scotia, at that time in possession of the French, was annexed (as was also Sagadahock, or Duke of York's property) to the Massachusetts jurisdiction, to keep up the claim of Great Britain. Nova Scotia has since been constituted a separate government, and has continued about forty years, to this time, a nominal British province, without any British settlement, only an insignificant preventive, but precarious fort and garrison. As this country is rude, a geographical description of it cannot be expected. It is a large extent of territory, bounded westward by the bay of Fundy, and a line running northward from St. Jones river to St. Lawrence or Canada great river; northward it is bounded by the said St. Lawrence and gut of Canso, which divides the island of Cape Britain; and southerly it is bounded by Cape Sable shore, settled at the treaty of Utrecht, 1713."

Page 332, section 7. "Upon the opposite or westerly shore of the bay of Fundy, are the rivers Passamaquoddy and St. Croix, being about seventeen leagues northwest from the gut or entrance of the basin of Annapolis. The river of St. Croix empties itself into the Bay of Schoodic, and the Duke of York's property, annexed to the neighboring New England province of Massachusetts Bay."

Extracts from a Treatise, entitled The Beginning, Progress, and Conclusion of the late War, printed in London in the year 1770.

"France having by the treaty concluded at Aix-la-Chapelle, in October, 1748, obtained restitution of Cape Breton, her ministers soon formed and began to execute a design to divide and impair the British American empire; and to enable her factories to rival their trade and fishery by extending their territories from the river Canada through the main land of Nova Scotia, leaving to the English only part of the peninsula: for the illustration whereof, with other matters, a map is hereo annexed. And although Nova Scotia has so often passed from nation to nation, the pretensions of France amounted to this, that Great Britain was to hold by the last cession made to her only a small *Proclamation ratifying treaty of peace, 1783."
part of the same country which had passed to France by former cessions. Having already observed that all Nova Scotia or Acadia, with its ancient boundaries, was ceded by the Utrecht treaty to Great Britain, let us here add, that, when this country was first named Nova Scotia, the following boundaries were given to it in the grant to Sir William Alexander, to wit: All and singular the lands of the continent, and the islands in America within Cape Sable, lying in forty-three degrees north latitude, or thereabouts; thence along the coast to St. Mary's Bay, and thence passing northward by a right line across the gulfs or bay now called Fundy, to the river St. Croix, and to the remotest western spring head of the same; whence, by an imaginary line conceived to run through the land northward to the next road of Ship's River or Spring, discharging itself into the great river of Canada, and proceeding thence eastward along the shores of the sea of the said river of Canada to the road, haven, or shore, commonly called Gaspick, and thence southeastward [versus euronotum,] to the islands called Baccalaos or Cape Breton, leaving the said islands on the right, and the gulf of the said great river of Canada, and the lands of Newfoundland, with the islands to those lands pertaining, on the left, and thence to the promontory of Cape Breton aforesaid, lying near or about the latitude of forty-five degrees, and from the said promontory of Cape Breton, towards the south and west, to the aforesaid Cape Sable, where the perambulation began."

1st Congress.

No. 41.

2d Session.

EASTERN BOUNDARY.

Message from the President of the United States, relative to the Eastern Boundary of the United States.

UNITED STATES, February 18, 1790.

BOSTON, February 10, 1790.

Sir:

At the request of the Senate and House of Representatives of this commonwealth, I have the honor to enclose you some papers evidential of the encroachments, made by the subjects of the King of England, upon the eastern frontier of this commonwealth.

If the papers transmitted do not give satisfactory proof upon this point, I wish that Congress would direct a mode in which a proper and speedy inquiry may be made.

A speedy investigation of this dispute may have a tendency to prevent a disagreeable contention, which is likely to take place between the people on the frontiers of the two nations.

I have the honor to be, &c.

JOHN HANCOCK.

George Washington,

President of the United States.

UNITED STATES, February 18th, 1790.

Tobias Lear,

Secretary to the President of the United States.

COMMONWEALTH OF MASSACHUSETTS.

In Senate, February 1, 1790.

Resolved, That His Excellency the Governor be, and he is hereby, requested to write to the President of the United States, in behalf of this commonwealth, informing him that the subjects of his Britannic Majesty have made, and still continue to make, encroachments on the eastern boundary of this commonwealth, in the opinion of the legislature contrary to the treaty of peace; and that His Excellency be further requested to forward such documents as may be necessary to substantiate the facts.

Sent down for concurrence.

THOMAS DAWES, President pro tem.

In the House of Representatives, February 1, 1790.

Read and concurred.

DAVID COBB, Speaker.

A true copy. Attest,

JOHN AVERY, Jus. Secretary.

UNITED STATES, February 18, 1790.

I do hereby certify, that the foregoing is a true copy of the resolve transmitted to the President of the United States, by His Excellency John Hancock.

Tobias Lear,

Secretary to the President of the United States.
The committee to whom the President's Messages of the 9th and 18th of February, relating to the differences subsisting between Great Britain and the United States, relative to the Eastern Boundary of the said States, were committed, beg leave to report:

That effectual measures should be taken, as soon as conveniently may be, to settle all disputes with the crown of Great Britain, relative to that line.

That it would be proper to cause a representation of the case to be made to the court of Great Britain, and if the said disputes cannot be carried on amicably adjusted, to propose that commissioners be appointed by both, and finally decide those disputes, in the manner pointed out in the report of the late Secretary of the United States for the Department of Foreign Affairs, of the 21st of April, 1785, a copy of which report accompanied the first of the said messages.

And that measures should be taken to perpetuate the testimonies of John Mitchell and Nathan Jones, who were appointed by the late Governor Bernard, in 1764, to ascertain the river St. Croix; and of any other persons who may have useful information on this subject.

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PRISONERS AT ALGIERS.

Message from the President of the United States to Congress, communicating a report of the Secretary of State, in relation to American prisoners at Algiers.

United States, December 30, 1790.

Gentlemen of the Senate and House of Representatives:

I lay before you a report of the Secretary of State on the subject of the citizens of the United States in captivity at Algiers, that you may provide on their behalf, what to you shall seem most expedient.

GEORGE WASHINGTON.

The Secretary of State, having had under consideration the situation of the citizens of the United States in captivity at Algiers, makes the following report thereupon to the President of the United States:

When the House of Representatives, at their last session, were pleased to refer to the Secretary of State, the petition of our citizens in captivity at Algiers, there still existed some expectation that certain measures, which had been employed to effect their redemption, the success of which depended on their secrecy, might prove effectual. Information received during the recess of Congress has so far weakened those expectations, as to make it now a duty to lay before the President of the United States, a full statement of what has been attempted for the relief of these our suffering citizens, as well before, as since he came into office, that he may be enabled to decide what further is to be done.

On the 23d of July, 1785, the schooner Maria, captain Stevens, belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincents, by an Algerine corsair; and, five days afterwards, the ship Dauphin, captain O'Brien, belonging to Messrs. Irwin's of Philadelphia, was taken by another Algerine, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews, twenty-one persons in number, were carried into Algiers. Congress had some time before commissioned ministers plenipotentiary for entering into treaties of amity and commerce with the Barbary Powers, and to send to them proper agents for preparing such treaties. An agent was accordingly appointed for Algiers, and his instructions prepared, when the Ministers Plenipotentiary received information of these captures. Though the ransom of captives was not among the objects expressed in their commissions, because at their dates the case did not exist, yet they thought it their duty to undertake that ransom, fearing that the captives might be sold and dispersed through the interior and distant countries of Africa, if the previous orders of Congress should be waited for. They therefore added a supplementary instruction to the agent to negotiate their ransom. But, while acting thus without authority, they thought themselves bound to offer a price so moderate as not to be disapproved. They therefore restrained him to two hundred dollars a man; which was something less than had been just before paid for about three hundred French captives, by the Mathurins, a religious order of France, instituted in ancient times for the redemption of Christian captives from the infidel Powers. On the arrival of the agent at Algiers, the Day demanded fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and could be brought to abate but little from that demand. The agent, therefore, returned in 1786, without having effected either peace or ransom.

In the beginning of the next year, 1787, the minister plenipotentiary of the United States at Paris procured an interview with the general of the religious order of Mathurins, before mentioned, to engage him to lend his agency, at the expense of the United States, for the redemption of their captive citizens. He promised at once, all the services he could render, with the liberality and zeal which distinguish his character. He observed, that he had agents on the spot, constantly employed in seeking out and redeeming the captives of their own country; that these should act for us, as for themselves; that nothing could be accepted for their agency; and that he would only expect that the price of redemption should be ready on our part, so as to cover the engagement into which he should enter. He added, that, by the time all expenses were paid, their last redemption had amounted to near two thousand five hundred lives a man, and that he could by no means flatter us that they could redeem our captives as cheap as their own. The pirates would take advantage of its being out of their ordinary line. Still he was in hopes they would not be much higher.

The proposition was then submitted to Congress, that is to say, in February, 1787, and on the 19th of September, in the same year, their minister plenipotentiary at Paris received their orders to embrace the offers of the Mathurins. This he immediately notified to the general, observing, however, that he did not desire him to enter into any engagements till a sufficient sum to cover them should be actually deposited in Paris. The general wished that the whole might be kept rigorously secret, as, should the barbarians suspect him to be acting for the United States, they
waked up as much as he could never agree to give, even with our consent, because it would injure his future prospects. He had said he was, in a letter from his agent at Algiers, that our captives received a liberal a daily allowance so as to evince that it came from a public source. He received under his hand a continuance; engaging that he would have an allowance administered to them, much short indeed of what they had hitherto received, but such as was given to his own countrymen, quite sufficient for physical necessities, and more likely to tend to the opinion, that as they were subjected by the church, into which they were to be redeemed by it also. These, ideas, suggested to him by the danger of raising his market, were approved by the minister, and the French minister, by the conclusion, for being the first instance of a redemption by the United States, it would form a precedent, because a high price given by us might induce these pirates to abandon all other nations in pursuit of Americans; whereas, the contraband would take place, could our price of redemption be fixed at the lowest.

To destroy, therefore, every expectation of a redemption by the United States, the bills of the Spanish consul at Algiers, who had made the kind advances before spoken of for the sustenance of our captives, were not answered. On the contrary, a hint was given that these advances had better be discontinued, as it was not known that they would be reimbursed. It was necessary even to go further, and to suffer the captives, to themselves and their friends to believe for a while, that no attention was paid to them, no notice taken of their letters. They are still under the impression. It would have been unsafe to trust them with a secret, the disclosure of which might for ever prevent their redemption. It is a systematical rule of the captors to raise the demands of the captives by rains which a due regard for our own, both, in freedom, and in freedom, would forbid us to give. This was the most trying of all circumstances, and drew from them the most affecting reproaches.

It was a twelve month afterwards before the money could be deposited in Paris, and the negotiation be actually put into operation. In the mean time the general had received information from Algiers, that a considerable change of prices there. Within the last two or three years the Spaniards, the Neapolitans, and the Russians, had redeemed at exorbitant sums. Slaves were become scarce, and would hardly be sold at any price. Still he entered on the business with an assurance of doing the best in his power; and he authorized to offer as far as three thousand livres, or five hundred and fifty-five dollars a man. He wrote immediately to consult a confidential agent at Mar-

seilles, on the best mode of carrying this business into effect; from whom he received the answer No. 2, hereto annexed.

Nothing further was known of his progress or prospects, when the House of Representatives were pleased, at their last session, to refer the petition of our captives at Algiers to the Secretary of State. The preceding narrative shows that no report could have then been made without risking the object, of which some hopes were still entertained. Later advices, however, from the chargé des affaires of the United States, at Paris, informs us, that these accounts are not correct. It is not pretended that the Spanish minister, to answer the demands of the captives, was not used to advance money, to the richest, but that he has used to advance money, and that he had authorized to offer as low as three thousand livres, or five hundred and fifty-five dollars a man. He wrote immediately to consult a confidential agent at Mar-

seilles, on the best mode of carrying this business into effect; from whom he received the answer No. 1, hereto annexed.

Dec. 28, 1790.

No. 1.

Extract of a Letter from Mr. John Lamb, dated May 20, 1796.

I here give you, as an account of the price of our unfortunate people, and it is as follows, viz.

<table>
<thead>
<tr>
<th>Captains</th>
<th>8,938 dollars</th>
<th>$18,000</th>
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<tbody>
<tr>
<td>Matres</td>
<td>4,000 do.</td>
<td>8,000</td>
</tr>
<tr>
<td>Passengers</td>
<td>1,400 do.</td>
<td>2,800</td>
</tr>
<tr>
<td>Sailors</td>
<td>1,400 do.</td>
<td>2,800</td>
</tr>
</tbody>
</table>

$53,600
$5,896
$59,496
FOREIGN RELATIONS.

So that your excellency sees how far beyond your expectation the sum amounts, which renders me incapable of act-
ing until further orders. The price the Spanish government for their people is little short of what is charged us; and they have not inconsiderable men and some upwards in Algiers. It will cost Spain more than one million and one half of dollars for their slaves only. The peace of Spain, and their slaves will amount to more than three millions of dollars."

Answer of the Agent of the Mathurins to his General.

Aix, Aug. 19, 1789,

My Lord: Being at Aix for some time in order to make use of the baths, I there received the letter which you did me the honor to write me. I find some great difficulties in the way of executing the redemption about which you speak. It does not appear to me possible to give such color to our proceedings with the Algerines, as to make them believe that the United States take no part in the negotiation, while their subjects only should be redeemed. As to the price of $2,500 livres per head, it will not suffice for the voracity of these crotvenus people, either because they have more need of slaves than money, since the general redemption of the French and Spanish captives, or that, having bumbled it to the last, they, though they are ready for the visitation of the admiral, have really no intention of freeing the slaves; and some standing the tenor of the treaties with France, the office at Marseilles was, the last year, obliged to pay for one slave 4,000 livres. It is true that the number redeemed by France in 1785 did not amount to 100 lous per head, but the king made the agreement in his own name, and in a favorable moment he obtained a piece of generosity from those deep politeness which we cannot flatter ourselves with seeing again renewed, especially at a time when the regency brings its pretensions so highly against France, as to lead us to fear lest some rupture should follow, which can perhaps be avoided only by new sacrifices. Supposing these difficulties removed, you cannot take upon yourselves the whole redemption without some permission from the court, especially if you wish to appear as acting by virtue of the order for the redemption. I am persuaded that the ministry being first informed, will not refuse you the said permission.

It will then be necessary to have a confidential person on the spot to act secretly, so as not to irritate the French slaves, who might rise against the nation, and sound the intentions of the regency with respect to the price. The Père Terril governor of the hospital is a Spaniard, and unfit for this negotiation. M. Paret, the only French merchant and manager of the house of Messrs. Gimen, at Algiers, might execute the commission, but this house will always create a suspicion, that the United States are about agreeing for the redemption.

I hardly venture to propose an idea which strikes me, but it is the best I have. "Could you not send a religious person, not as a redempitoner, but only as chaplain of the hospital of slaves, for which he might perform the necessary functions? M. Gache appears to me the most proper and best calculated to conduct an affair, the success of which I so much desire, as well on account of the interest you take in it as for the satisfaction of Mr. Jefferson. I would not wish to put myself in the way, on account of my age, though I speak Italian and Spanish, which is used at Algiers, and especially in the hospital. However, if you should not find a better person, I shall still undertake this voyage in order to give you some idea of my submission, and the desire which I have to concur in your zeal for the love of redemption and good of humanity.

The voyage of a religious person would occasion some expense, but it cannot be considerable, because he might lodge in the hospital, and there would be no commission fees to pay in case of success. Not being near enough to confer with M. Gache, I address the present to him, that he may transmit it to you with the observations he may make upon it.

No. 3.

PERRIN, Deputy General.

Extract from a letter of June 4, 1790, from William Short, Esq. Chargé des Affaires for the United States at the Court of France, to the Secretary of State.

"The affair of our captives, I fear will never be arranged in the present channel. Immediately on the receipt of your letter I wrote to the general of the Mathurins to let him know how much you had this affair at heart, and to beg he would inform me how it stood at present. He was gone into the country, but I suppose I shall hear from him in a few days.

"The general of the Mathurins considered those supplies too considerable, as they would necessarily excite at the same time the suspicions and the avarice of the Algerines. It would have the appearance of cruelty to forbid further supplies from any person whatsoever, and to let the prisoners appeal to it were on the charity of the Mathurins, who might be furnished with such from time to time for their expense; but it is perhaps the only means of shortening their captivity. Whoever remains here should be authorized fully to act according to circumstances with respect to the captives."

Extract of a letter from the same to the same, dated June 25, 1790.

"Since my last I have seen the general of the Mathurins, who gives little hopes of any thing being done for our captives through his channel, although he continues assurances of his zeal in case of any opportunity presenting itself; and I am persuaded he may be counted on as to these assurances. He had begun by transmitting a small sum of money to a person of confidence at Algiers, to relieve the more pressing necessities of the captives, which person who was charged with this commission, found, on inquiry, that the captives received a daily allowance, which rendered this relief unnecessary, and therefore returned the money. He found, also, that the opinion at Algiers was, that the allowance of the prisoners was made by the United States; an opinion which would necessarily augment the difficulty of their redemption. The general added, that the critical situation in which the religious orders had been for some time, had rendered it impossible for him to take any step in this business; but he hoped, however, the commission would be renewed, which would enable him to resume those pious occupations; and that he should be always ready to offer his ministry in behalf of the American captives. The supplies which they have received came certainly from the Spanish coast. I transmitted some time ago to Mr. Jay an account of them, which was sent on by one of the captives.

"The general of the Mathurins considered those supplies too considerable, as they would necessarily excite at the same time the suspicions and the avarice of the Algerines. It would have the appearance of cruelty to forbid further supplies from any person whatsoever, and to let the prisoners appeal to it were on the charity of the Mathurins, who might be furnished with such from time to time for their expense; but it is perhaps the only means of shortening their captivity. Whoever remains here should be authorized fully to act according to circumstances with respect to the captives."

Extract of a letter from the same to the same, dated July 7, 1790.

"My last letters will have informed you of the present situation of the business, relative to the American captives at Algiers. You will have seen that nothing has been done, or possible to be done, for their redemption; still I will leave nothing untried, and will write you regularly, as you desire, respecting it.

"I omitted mentioning above that the number of our prisoners at Algiers is now reduced to fourteen, a Scotch boy, who was among them, having been redeemed by the intervention of the English consul. The price was not more than seven thousand livres; but additional and unavoidable expenses raised it, on the whole, to about eight thousand livres. The person, of whom I spoke in the opening of this letter, told me that he thought the remaining captives might be redeemed at the same price for the counsel, sailors, and about twenty ship's officers for one of the captains. He added, that the Spanish consul was at present in the greatest favor with the regency, and would be
No. 4.

Extract of a letter from Mr. John Lamb to the Honorable Thomas Jefferson, dated Algiers, March 29, 1786.

"I am sure, by the best information, the sum will by no means answer our object if the amount is not greatly augmented. It is my duty to advise to abandon the undertaking, as it will be entirely in vain to persevere. It is lost money, the expenses that arise on the attempt. The last amount that I can give, please to let me know, I shall wait at Carthagena for the same. The people will cost for their redemption at least twelve hundred dollars per head. The number is twenty-one. Your excellency sees how feeble we are."

No. 5.

Extract of a letter from Mr. Paul Roudot to the Honorable Thomas Jefferson, dated Alicant, April 2, 1786.

"As the money is paid according to the treaty, the Dey has set the sum of 5,600 dollars on every Spanish captain; 3,000 for each mate or pilot, and 1,200 for the private seamen and soldiers."

No. 6.

Extract of a letter from Richard O'Brien to the Honorable Thomas Jefferson, dated Algiers, June 2, 1788.

"If any one is redeemed, it is at a very exorbitant price. A few days ago an old Savoy captain of a merchant vessel, was redeemed for the sum of 2,150 Algerine chequins, which is equal to £467 10s. sterling, and even with that price it was with much time the Dey was prevailed on to let him be redeemed; and I think that sailors will be as high as £400 sterling, as they are very scarce here at present, and much wanted to do the duty for the public."

No. 7.


"In December, 1789, there are in Algiers 2 masters, at the Dey's price; 2 mates, at 4,000 dollars each, £8,000; 11 mariners, at 1,500 dollars each, £16,500; 20 per cent. duty on slaves, £1,825.

Agreeable to the Dey's price in 1786, the whole cost is £38,325.

"A Mr. Joseph Cowen Bockerie, the principal Jew merchant of Algiers, assures me that he will engage, and well knows that he could obtain the Americans' release from slavery on the following terms, viz: For 2 masters, at 2,000 sequins each, £8,000; 2 mates at 3,000 dollars each, £6,000; 11 mariners, at 1,500 dollars each, £14,300.

First cost, £38,300.

Fees and duties to the regency, amounting to 20 per cent., £1,145.

Spanish dollars, £39,215.

"Mr. Bockerie says that, at the very furthest, he would procure us at 2,000 dollars each, which would be in all 30,000 dollars, or £6,730 pounds sterling; and the Dutch and Spanish consuls are of the same opinion."

No. 8.

Extract of a letter from James Simpson, dated Gibraltar, August 25, 1790.

"Having lately been desired to inquire, by means of my correspondents at Algiers, how many Americans remained there, and the sum that would be demanded for their ransom, I take the liberty of enclosing for your information copy of the return made me, and to say, that, as the gentleman encharged me to make this inquiry, wrote in a style as if the generous and humane idea of ransom flowed from a private source, I much fear, as the sum demanded is considerable, I shall not have the happiness of being encharged by them with directions for carrying it into execution."

List of American Prisoners at Algiers, July 9, 1790, with the sums demanded by the Regency for their ransom.

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
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<tr>
<td>Richard O'Brien</td>
<td>Captain</td>
<td>3,000</td>
</tr>
<tr>
<td>Andrew Montgomery</td>
<td>Mate</td>
<td>1,500</td>
</tr>
<tr>
<td>Jacob Tessanior</td>
<td>French passenger</td>
<td>3,000</td>
</tr>
<tr>
<td>William Paterson</td>
<td>Seaman (keeps a tavern)</td>
<td>1,500</td>
</tr>
<tr>
<td>Philip Sloan</td>
<td></td>
<td>725</td>
</tr>
<tr>
<td>Peter Linn</td>
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<td>725</td>
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<tr>
<td>John Robertson</td>
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<tr>
<td>James Hall</td>
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Crew of the schooner Mary, taken July 25, 1783.

Isaac Stephens, captain, 2,000
Alexander Forsyth, mate, 1,500
James Cathcart, seaman (keeps a tavern) 900
George Smith (in the king's house) 725
John Gregory, crewman 25
James Hemet, crewman 725

Duty on the above sum, 10 per cent. 16,475
Sundry gratifications to officers of the Dey's household and regency, equal to 17 1-5 oz. each person, 1,675

34,793 58-38 Mexican dollars, at 58 Mozunas each, are, zequins, 18,562

1st Congress.] No. 44. [3d Session.]

MEDITERRANEAN TRADE.

Report of the Secretary of State relative to the Mediterranean Trade. Communicated to the House of Representatives, December 30, 1790, and to the Senate, January 3, 1791.

The Secretary of State, to whom was referred the House of Representatives so much of the speech of the President of the United States to both Houses of Congress, as relates to the trade of the United States in the Mediterranean, with instructions to report thereupon to the House, has had the same under consideration, and herewith submits the following report:

The loss of the records of the custom houses in several of the States, which took place about the commencement and during the course of the late war, has deprived us of official information as to the extent of our commerce and navigation in the Mediterranean sea. According to the best which may be obtained from other sources meriting respect, it may be concluded, that out of one hundred dollars, two and one-twelfth, which was derived from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the Mediterranean ports; that these articles constituted the principal part of what we sent into that sea; that, that commerce loaded with extraneous, and from eighty to one hundred ships, annually, of twenty thousand tons, navigated by about twelve hundred seamen, and that a considerable number of cruisers, and privateers, were sometimes employed, in the way of commerce, that their adventures into that sea would be exposed to the depredations of the piratical States on the coast of Barbary. Congress, too, was very early attentive to this danger, and by a commission of the 12th of May, 1784, authorized certain persons, named ministers plenipotentiary for that purpose, to conclude treaties of peace and amity with the Barbary Powers. And it being afterwards found more expedient that the negotiations should be carried on at the residences of those Powers, Congress, by a further commission, bearing date the 11th of March, 1785, empowered the same ministers plenipotentiary to appoint agents, to repair to the said Powers at their proper residences, and there to negotiate such treaties. The whole expenses were limited to eighty thousand dollars.

Agents were accordingly sent to Morocco and Algiers.

Before the appointment of the one to Morocco, it was known that a cruiser of that State had taken a vessel of the United States; and that the Emperour, on the friendly interposition of the State of Madrid, had liberated the vessel, and made restitution of the vessel and cargoes, as far as their condition admitted. This was a happy presage of the liberal treaty he afterwards concluded with our agent, still under the friendly mediation of Spain, and at an expense of between nine and ten thousand dollars only. On his death, which has taken place not long since, it becomes necessary, according to the custom, to obtain immediately a recognition of the treaty by his successor, and consequently, to make provision for the expenses which may attend it. The amount of the former furnishes one ground of estimate; but the character and dispositions of the successor, which are unknown here, may influence it materially.

The friendship of this Power is important, because our Atlantic as well as Mediterranean trade is open to its annoyances, and because we carry on a useful commerce with his nation. The Algerines had also taken two vessels of the United States, with twenty-one persons on board, whom they retained as slaves. On the arrival of the agent sent to that regency, the Dey refused utterly to treat of peace on any terms, and demanded 38,496 dollars for the ransom of our captives. This mission therefore proved ineffective.

While these negotiations were on foot, Morocco and Algiers, an ambassador from Tripoli arrived in London. The ministers plenipotentiary of the United States met him in person. He demanded for the peace of that State thirty thousand guineas; and undertook to engage that of Tunis for a like sum. These demands were beyond the limits of Congress and of reason, and nothing was done. Nor was it of importance, as, Algiers remaining hostile, the peace of Tunis and Tripoli was of no value; and when that of the former should be obtained, theirs would soon follow.

Our navigation, then, into and through the Mediterranean, has not been resumed at all since the peace. The sole obstacle has been the unprovoked war of Algiers; and the sole remedy must be to bring that war to an end, or to palliate its effects. Its effects may, perhaps, be palliated by ensuring our ships and cargoes destined for that sea, and by forming a convention with the regency, for the ransom of our seamen, according to a fixed tariff. That tariff will, probably, be high, and the rate of assurance so settled, in the long run, as to pay for the vessels and cargoes captured, and something more. What proportion will be captured, nothing but experience can determine. Our commerce differs from that of most of the nations with whom the predatory States are in habits of war. Theirs is spread over all the face of the Mediterranean, and therefore must be sought for all over its face. Ours must all enter at a strait only five leagues wide; so that their cruisers, taking a suitable position near the mouth of the strait, may very effectually inspect whatever enters it. So safe a station, with a certainty of receiving for their prisoners a good and stated price, may tempt their cunabuses to seek our vessels particularly. Nor is it certain that our seamen could be induced to engage in this navigation, though the security of Algerine faith that they would be liberatet on the application of a fixed sum. The temporary deprivation of liberty, perhaps chains, the dange of the pest, the perils of the engagement preceding their surrender, and possible delays of the ransom, might turn elsewhere the choice of men, to whom all the rest of the world is open. In every case, these would be embarrassments which would enter into the merchant's estimate early in the preference of foreign to our vessels. And upon the whole, this expedient does not fulfill our wish of a complete re-establishment of our commerce in that sea.

A second plan might be, to obtain peace by purchasing it. For this we have the example of rich and powerful nations, in this instance counting their interest more than their honor. If, conforming to their example, we determine to purchase a peace, it is proper to inquire what that peace may cost. This being merely a matter of conjecture, we can only compare together such opinions as have been obtained, and from them form one for ourselves.
Mr. Wolf, a respectable Irishman, who had resided very long at Algiers, thought a peace might be obtained from that regency, and the redemption of our captives included, for sixty or seventy thousand pounds sterling. His charges for this employment of about five pounds a week. The principal man, who had been employed on this subject, one is apt to fear his judgment might have been biased by the hope he entertained that the United States would charge him with this negotiation.

Captain O'Brien, one of the officers of the ship that had been in Algiers four years and a half at the date of his last letter, a very sensible man, and to whom we are indebted for very minute information, supposes that peace alone might be bought for that sum, that is to say, for three hundred and twenty-two thousand dollars.

The Tripline ambassador, before mentioned, thought that peace could be made with the three smaller Powers for ninety thousand pounds sterling, to which were to be added the expenses of the mission and other incidental expenses. But he could not answer for Algiers: they would demand more. The ministers plenipotentiary who conferred with him, had judged that as much must be paid to Algiers as to the other three Powers together; and consequently, that, according to this measure, the peace of Algiers would be at a hundred and twenty-five thousand pounds sterling; or from four hundred and sixty to five hundred and seventy-five thousand dollars.

The latter sum seemed to meet the ideas of the Count de Vergennes, who, from a very long residence at Constantinople, had an active intercourse with the Porte, or its dependencies.

A person whose name is not free to be mentioned here, a native of the continent of Europe, who had long lived, and still lives at Algiers, with whom the minister plenipotentiary of the United States at Paris had many and long conversations, and found his information full, clear, and consistent, was of opinion the peace of Algiers could not be bought by less than the hundred thousand pounds sterling. And when that is paid, all is not done. On the death of a Dey (and the present one is between seventy and eighty years of age), respectable presents must be made to the successor, that he may recognise the treaty; and very often he takes the liberty of altering it. When a consul is sent or changed, new presents must be paid. If these events should occur in any considerable interval, it must be made of renewing presents. And with all this they must see that we are in condition to chastise an infraction of the treaty; consequently, some marine force must be exhibited in their harbor from time to time.

The late peace of Spain with Algiers is said to have cost from three to five millions of dollars. Having received the Spanish vessels and presents, and being worth to the Algerines the thousand, has cost, at the rate of groundless pretexts; counting, that the same force, which bought Spain so hard a treaty, may break it with impunity.

Their treaty with France, which had expired, was about two years ago renewed for fifty years. The sum given at the time of renewal is not known. But presents are to be repeated every ten years, and a tribute of one hundred thousand dollars is always to be paid. The French, being embroiled at home with her domestic affairs, were less capable of acting abroad, they took six vessels of that nation in the course of the last year, and retain the captives, forty-four in number, in slavery.

It is the opinion of Captain O'Brien, that those nations are best treated who pay a smaller sum in the beginning, and an annual tribute afterwards. In this way he informs us that the Dutch, Danes, Swedes, and Venetians pay to Algiers from twenty-four to thirty thousand dollars a year; each, the two first in naval stores, the two last chiefly in money. It is supposed that the peace of the Barbary States costs Great Britain about sixty thousand guineas, or two hundred and eighty thousand dollars a year. But it must be noted that these facts cannot be authentically advanced; as, from a principle of self condemnation, the governments keep them from the public eye as much as possible.

Nor must we omit finally to recollect, that the Algerines, attentive to reserve always sufficient aliment for their piracies, will never extend their peace beyond certain limits, and consequently that we may find ourselves in the case of those nations to whom they refuse peace at any price.

The third expedient is to repel force by force. Several statements are hereto annexed of the naval force of Algiers, which will, in the opinion of Mr. O'Brien, be able to guard their country, but cannot command it. From these it results, that they have usually had about nine chebecs of from ten to thirty-six guns, and four galleys, which have been reduced by losses to six chebecs and four galleys. They have a forty gun frigate on the stocks, and expect two cruisers from the Grand Seigneur. The character of their vessels is, that they are sharp and swift, but so light as not to stand the broadside of a good frigate. Their guns are of different calibers, unordinarily pointed and worked. The vessels ill manned, but crowded with men—one third Turks, the rest Moors, of determined bravery, and resting their sole hopes on boarding. But two of these vessels belong to the government, the rest being private property. If they come out of harbor together, they separate immediately in quest of prey; and it is said they were never known to act together in any instance. Nor do they come out at all, when they know there are vessels cruising for them. They perform three cruises a year, between the middle of April and November, when they surng and lay up for the winter. When not confining within the straits, they rove northwardly to the coast of Spain, and southwardly to the coast of Morocco and Algeria.

They are in peace at present with France, Spain, England, Venice, the United Netherlands, Sweden, and Denmark; and at war with Russia, Austria, Portugal, Naples, Sardinia, Genoa, and Malta.

Profiting by a knowledge of whatever relates to their commerce, the following, it must be thought prudent to possess a force equal to the whole of that which may be opposed to them. What that equal force would be, will belong to another department to say.

At the same time it might never be necessity to draw out the whole at once, nor perhaps any proportion of it, but for a small part of the year; as it is useless to presume that a concert of operation might be arranged among the powers at war with the Barbary States, so as that, each performing a tour of a given duration, and in given order, a constant cruise during the eight temperate months of every year, may be kept up before the harbor of Algiers, till the object of such operations is completely obtained. Portugal has singly, for several years past, kept up such a cruise before the straits of Gibraltar, and by that means has confined the Algerines closely within. But two of their vessels have been out of the straits in the last five years. Should Portugal effect a peace with them, as has been apprehended for some time, the Atlantic will immediately become the principal scene of their piracies; their vessels, continually at large, will produce effects of the Barbary States.

Upon the whole, it rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce. If war, they will consider how far our own resources shall be called forth, and how far they will enable the Executive to engage, in the forms of the constitution, the co-operation of other Powers. If tribute or ransom shall be determined on, it will rest with them to limit and provide the amount, to be fixed by the Executive, observing the same constitutional forms, to make arrangements for employing it to the best advantage.

TH. JEFFERSON,
Secretary of State.

December 26, 1790.

No. 1.

Extract of a letter from Richard O'Brien, one of the American captives at Algiers, to Congress, dated Algiers, December 26, 1789.

It was the opinion of Mr. John Wolf, who resided many years in this city, that the United States of America may obtain a peace for one hundred years with this regency, for the sum of sixty or seventy thousand pounds sterling, and a redemption of fifteen Americans included. Mr. Wolf was the British charge des affaires in Algiers, and was much the friend of America, but he is no more. 14
"I have now been four years and a half in captivity, and I have much reason to think that America may obtain a peace with Algiers for the sum of sixty-five or seventy thousand pounds, considering the present state of Algiers. That sum would be found to their interest to take two or three cruisers in payment for their peace; and also would take masts, yards, planks, scantling, tar, pitch, and turpentine, and Philadelphia iron, as a part payment; all to be regulated at a certain fixed price by treaty."

No. 2.  


"On Monday evening another conference was held with the Tripolitan ambassador. When he began to explain himself concerning his demands, he said they would be different, according to the duration of the treaty. If that were perpetual, they would be greater; if for a term of years, less; his advice was, that it should be perpetual. Once signed by the Bashaw, Dey, and other officers, it would be indissoluble and binding for ever upon all their successors. But if a temporary treaty were made, it might be difficult and expensive to revive it. For a perpetual treaty, such as they had now with Spain, all those thousand guineas must be paid upon the delivery of the articles signed by the Dey and other officers. If it were agreed to, he would send his secretary by land to Mars-seilles, and from thence by water to Tripoli, who should bring it back by the same route, signed by the Dey, &c. He had proposed so small a sum in consideration of the circumstances, but declared it was not half of what had recently been paid them by Spain. If we chose to treat upon a different plan, he would make a treaty perpetual, upon the payment of twelve thousand five hundred guineas for the first year, and three thousand guineas annually, until the thirty thousand guineas were paid. It was observed that these were large sums, and vastly beyond expectation; but his excellency answered, that they were made a treaty for less. Upon the arrival of a prize, the Dey and other officers are entitled, by their laws, to large shares, by which they might make greater profits than these sums amounted to, and they never would give up this advantage for less.

He was told, that although there was a full power to treat, the American ministers were limited to such smaller sums as it would be impossible to do anything else. Until the congress could write to Congress and know their sentiments. Colonel Smith was present at this, as he had been at the last conference, and agreed to go to Paris to communicate all to Mr. Jefferson, and persuaded him to come here, that we may join in further conferences, and transmit the result to Congress.

"The ambassador believed that Tunis and Morocco would treat upon the same terms, but could not answer for Algiers. They would demand more. When Mr. Jefferson arrives we shall insist upon knowing the ultimatum, and transmit it to Congress."

No. 3.  


"Letters received both from Madrid and Algiers, while I was in London, having suggested that treaties with the States of Barbary would be much facilitated by a previous one with the Ottoman Porte, it was agreed between Mr. Adams and myself, that, on my return we should consult on this subject, the Count De Vergennes, whose long residence at Constantinople rendered him the best judge of its expediency. Various circumstances have put it out of my power to consult him till to-day. I stated to him the difficulties we were likely to meet with at Algiers, and asked his opinion, whether it would be probable expense of a diplomatic mission to Constantinople, and what its effects at Algiers. He said that there was no question of expense, for the presents must be made at the court, and every one would be gazing after them; and that it would not procure us a peace at Algiers one penny the cheaper. He observed that the Barbary States acknowledge a sort of vassalage to the Porte, and availed themselves of that relation when any thing was to be gained by it; but that, whenever it subjected them to a demand from the Porte, they naturally disregarded it; that money was the sole agent at Algiers, except so far as fear could be induced also. He cited the present example of Spain, which, though having a treaty with the Porte, would probably be obliged to buy a peace at Algiers, at the expense of upwards of six millions of livres. I told him we had calculated, from the demands and information of the Tripolitan ambassador at London, that to make peace with the four Barbary States would cost us between two and three hundred thousand guineas, if bought with money.

The sum did not seem to exceed his expectations. I mentioned to him, that, considering the uncertainty of a peace, when bought, perhaps Congress might think it more eligible to establish a cruise of frigates in the Mediterranean, and even to blockade Algiers. He supposed it would require ten vessels, great and small. I observed to him that M. De Massiac had formerly done it with five; he said it was true, but that vessels of relief would be necessary. I hinted to him that I thought the English capable of administering aid to the Algerines. He seemed to think it impossible, on account of the scandal it would bring on them. I asked him what had occasioned the blockade by M. De Massiac; he said an instruction of their treaty by the Algerines."

No. 4.  

Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson, dated Algiers, April 28, 1787.  

"It seems the Neapolitan ambassador had obtained a truce with this regency for three months, and the ambassador wrote his Court of his success; but about the 1st of April, when the cruisers were fitting out, the ambassador went to the Dey in person to obtain leave for the vessels, and be ordered by the captains of his cruisers not to take the Neapolitan vessels. The Dey said the meaning of the truce was not to take the Neapolitan cruisers, but if his cheeckes should meet the Neapolitan merchantmen, to take them and send them for Algiers. The ambassador said, the Neapolitan cruisers would not want a pass on those terms. The Dey said, if his cheeckes should meet either men of war or merchant vessels, to take them; so gave orders accordingly. The Algerines sailed the 9th instant, and are gone, I believe, off the coast of Italy. This shows there is very little confidence to be put in the royal word. No principle of national honor will bind those people; and I believe not much confidence to be put in them in treaties. The Algerines have always been the best of friends to the Neapolitans. I hear of no negotiation. When the two frigates arrive with the money for the ransom of the slaves, I believe they are due with the Neapolitans."

"The cruisers had orders to take the Danes; but I believe Denmark, suspending that, on account of their alliance with Russia, the Grand Seignior would order the regency of Algiers to make war against the Danes; accordingly the Danes have evacuated the Mediterranean sea, until the affairs of Europe are more settled. The Danish ship with the tribute is shortly expected. She is worth fifty thousand dollars; so that the Algerines will not make known publicly their intention of breaking with Denmark, until this ship arrives with the tribute. I am very sure that Mr. Robinson is very sensible of the intention of those sea-robbers, the terror and scourge of the Christians. The reason the Algerines have not committed any depredations on the English, is, that the cruisers have not met with any of them richly loaded: for if they had met with a rich ship from London for Livorna, they would certainly have brought her into port, and would have said that said ship was loaded for the enemy of Algiers at Livorna; but if that was not a sufficient excuse, love overboard or elipt the pass.

"Consul Logie has been treated with much contempt by the Algerine ministry; and you may depend, that when the Day goes to his long home, that his successor will not renew the peace with Great Britain, without a large sum of money is paid, and very valuable presents. This I well know; the whole ministry say, that the peace with the English is very old, and the English must conform to the custom of other nations, in giving the government here money and presents. In fact, the Algerines are trying their endeavors to find some nation to break the peace with them. I think, if they had treated the English in such a manner as they have the French, that the English would resent it."


"What dependence or faith could be given to a peace with the Algerines, considering their present haughtiness, and with what contempt and derision they treat all nations; so that, in my opinion, until the Algerines more strictly adhere to the treaties they have already made, it would be impolitic in any nation to try to make a peace here: for I see they take more from the nations they pretend peace with, than they do from those they are at declared war with. The Portuguese, I hope, will keep the Algerines inside the straits: for only consider the bad consequence of the Algerines going into the Mar Grande. Should the Portuguese make a sudden peace with this regency, the Algerines would immediately go out of the straits, and, of course, take many an American."

No. 5.

Extract of a letter from the Honorable John Adams, Esq. Minister Plenipotentiary of the United States at the Court of Great Britain, to the Hon. John Jay, Secretary for Foreign Affairs, dated February 16, 1786.

"The American commerce can be protected from these Africans only by negotiation, or by war. If presents should be exacted from us, as ample as those which are given by England, the expense may amount to sixty thousand pounds sterling a year—an enormous sum to be sure, but infinitely less than the expense of fighting. Two frigates of 30 guns each, would cost as much to fit them for the sea, besides the accumulating charges of stores, provisions, pay, and clothing. The Powers of Europe generally send a squadron of men of war with their ministers, and offer battle at the same time that they propose treaties and promise presents."

No. 6.

Several statements of the Marine Force of Algiers—public and private.

1786, May 20. Mr. Lamb says it consists of
9 Chebecks 2 from 36 to 8 guns; manned, the largest with 400 men, and so in proportion.
10 Row Galleys 3

1786, May 27. Mr. Randall furnishes two statements, viz.
A more general one—

<table>
<thead>
<tr>
<th>Setye of</th>
<th>34 guns</th>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>24</td>
</tr>
<tr>
<td>1</td>
<td>Chebeck 20</td>
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<td>1</td>
<td>18</td>
</tr>
<tr>
<td>1</td>
<td>10</td>
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8 4 half galleys, carrying from 120 to 130 Moors.
3 galleys of 70, 60, and 50 Moors.

A more particular one as follows:

| 1 of 32 guns, viz. 2 eighteens, 34 ninees, 6 fours, and 450 men. |
| 1 of 28         |        |
| 1 of 24         | 20 fours, and 350 men. |
| 1 of 20         | 20 sixes, and 300 men. |
| 2 of 18         | 18 sixes, and 350 men. |
| 1 of 16         | 15 sixes, and 350 men. |
| 2 small craft.  |
| 9 55 gun-boats, carrying 1 twelve pounder each, for defence of the harbor. |

1786, June 8. A letter from the three American Captains, O’Brien, Coffin, and Stephens, states them as

| 1 of 32 |
| 1 of 30 |
| 3 of 24 |
| 3 of 18 |
| 1 of 12 |

9 and 55 gun boats.
FOREIGN RELATIONS. [1791. 

1787, September 25. Captain O'Brien furnishes the following statement: 
1 of 30 guns, 400 men, 106 feet length, straight keel. 
1 30 96 
2 32 240 80 
2 32 240 75 
1 32 240 70 
1 18 200 70 
1 16 180 64 
1 12 150 30

Galleys, 1 4 70 40 
2 2 46 32 
1 2 40 32

1788, February 5. Statement by the inhabitant of Algiers, spoken of in the report. 
9 vessels from 36 down to 30 guns. 
4 or 5 smaller.
About this date the Algerines lost 2 or 3 vessels, stranded or taken.
1789, December. Captain O'Brien furnishes the latest statement. 
1 ship of 24 guns, received lately from France. 
5 large cruisers.

In the fall of 1789, they laid the keel of a 40 gun frigate, and they expect two cruisers from the Grand Seignior.

No. 7.

Translation of a letter from Count D'Estaing to the Hon. Thomas Jefferson, Esq.

PARIS, May 17, 1786.

Sir: In giving you an account of an opinion of Mr. Massiac, and which absolutely corresponds with my own, I cannot too much observe how great a difference may take place, in the course of forty years, between the means which he required and those which political circumstances, that I cannot ascertain, may exact.

This Secretary of State, afterwards vice admiral, had the modesty, when a captain, to propose a means for the reduction of Algiers, less brilliant to himself, but more sure and economical than the one government was about to adopt. They wanted him to undertake a bombardment; he proposed a simple blockade. All the force he required was a single man of war, two strong frigates, and two sloops of war.

I am convinced, that, by blocking up Algiers by cross-anchoring, and with a long tow, that is to say, with several cables spliced to each other, and with iron chains, one might, if necessary, always remain there, and there is no barbarian power thus confined, which would not soon sue for peace.

During the war before last, the English remained, even in winter, at anchor before Morbien, on the coast of Brittany, which is a much more dangerous coast. Expeditious preparation for sailing of the vessels which form the blockade, which should be of a sufficient number to prevent any thing from entering or going out, while the rest remain at their stations, the choice of these stations, skilful manoeuvres, strict watch during the night, every precaution against the element which a seaman ought to be acquainted with; also against the enemy, to prevent the sudden attack of boats, and to repel in case they should make an attack by prepared for the purpose, frequent refreshments for the crews, relieving the men, an unshaken constancy and exactness in the service, are the means which, in my opinion, would render the event indubitable. Bombardments are but transitory. It is, if I may so express myself, like breaking glass windows with guineas. None have produced the desired effect against the barbarians. Even an imperfect blockade, were one to have the patience and courage to persist therein, would occasion a perpetual evil; it would be insupportable in the long run. To obtain the end proposed, no advantage ought to be lost. If several Powers would come to a good understanding, and pursue a plan formed on the principles of humanity; if they were not counteracted by others, it would require but a few years to compel the barbarians to cease being pirates; they would become merchants in spite of themselves. It is needless to observe, that the unsuccessful attempts of Span, and those under which the republic of Venice, perhaps, hides other views, have increased the strength as well as the self-love of all the barbarians. We are assured that the Algerines have fitted out merchantmen with heavy cannon. This would render it necessary to block the place with two ships, so that one of the two might remain moored near the bar, while the other might prepare to support such of the frigates as should give chase. But their chiebecks, even their frigates, and all their vessels, although overcharged with men, are moreover so badly armed and manoeuvred that assistance from without would be most to be feared.

Your excellency has told me the only true means of bringing the terms of the only people who can take a pleasure in disturbing our commerce. You see, I speak as an American citizen, this title, dear to my heart, the value of which I fully prize, affords me the happy opportunity of offering, still more particularly, the homage, the sincere attachment, and respect, with which I have the honor to be, &c.

ESTAING.

1st Congress.] No. 45. [3d Session.

MEDITERRANEAN TRADE.

Report of a Committee on the Trade of the Mediterranean, made to the Senate, January 6, 1791.

The committee to whom was referred that part of the President's speech which relates to the trade of the Mediterranean, also the President's message of the 30th December, with the papers accompanying the same, are of opinion that the trade of the United States to the Mediterranean, cannot be protected but by a naval force; and that it will be proper to resort to the same as soon as the state of the public finances will admit.
Message from the President of the United States, transmitting a letter from the King of France, communicated to the Senate.

Gentlemen of the Senate:

I lay before you a letter from His Most Christian Majesty, addressed to the President, and members of Congress of the United States of America.

United States, January 17, 1791.


Très-chers grands Amis et Alliés:

Nous avons reçu la lettre par laquelle vous nous avez informés de la nouvelle marque de confiance que vous avez donnée au Sieur Jefferson, et qui met fin aux fonctions de la place de votre ministre plénipotentiaire auprès de nous. La manière dont il s'est conduit pendant tout le temps qu'il a résidé à notre cour, a marqué notre estime et une entière approbation de notre part. C'est avec plaisir que nous lui rendons ce témoignage. Nous en avons un bien sincère à profiter de cette occasion pour vous renouveler ces assurances de l'affection et de l'amitié que nous portons aux États Unis en général et à chacun d'eux en particulier. Sur ce nous prions Dieu qu'il vous ait, très chers grands amis et alliés, en sa sainte et digne garde.

Fait à Paris, ce 11 Septembre, 1790.

Votre bon ami et allié,

Louis.

Aux États Unis de l'Amerique Septentrionale.

Very dear great Friends and Allies:

We have received the letter by which you inform us of the new mark of confidence that you have shown to Mr. Jefferson, and which puts an end to his appointment of minister plenipotentiary at our court. The manner in which he conducted during his residence with us has merited our esteem and entire approbation, and it is with pleasure that we now give him this testimony of it.

It is with the most sincere pleasure that we embrace this opportunity of renewing these assurances of regard and friendship which we feel for the United States in general, and for each of them in particular; under their influence we pray God that he will keep you, very dear friends and allies, under his holy and beneficent protection.

Done at Paris, this 11th September, 1790.

Your good friend and ally,

Louis.

The United States of North America.

FRANCE.

Message from the President of the United States, relative to the extra tonnage paid by French vessels in the ports of the United States, communicated to the Senate.

Gentlemen of the Senate:

I lay before you a representation of the chargé des affaires of France, made by order of his court, on the acts of Congress of the 20th of July, 1789 and 1790, imposing an extra tonnage on foreign vessels, not excepting those of that country; together with the report of the Secretary of State thereon; and I recommend the same to your consideration, that I may be enabled to give to it such answer as may best comport with the justice and the interests of the United States.

The Secretary of State, in giving in this paper to the President of the United States, thinks it his duty to accompany it with the following observations:

The third and fourth articles of the treaty of amity and commerce between France and the United States subject the vessels of each nation to pay, in the ports of the other, only such duties as are paid by the most favored nation; and give them reciprocally all the privileges and exemptions in navigation and commerce, which are given by either to the most favored nations. Had the contracting parties stopped here, they would have been free to raise or lower their tonnage as they should find it expedient, only taking care to keep the other on the footing of the most favored nation. The question then is, whether the fifth article cited in the note is any thing more than an application of the principle comprised in the third and fourth to a particular object; or whether it is an additional stipulation of something not so comprised?

1. That it is merely an application of a principle comprised in the preceding articles, is declared by the express words of the article to wit: "Dans l'exemption ci-dessus non non compris," &c., "in the above exemption is particularly comprised the imposition of one hundred sols per ton established in France on foreign vessels." Here,
then, is at once an express declaration, that the exemption from the duty of one hundred sols is comprised in the third and fourth articles; that is to say, it was one of the exemptions enjoyed by the most favored nations, and, as such, as it was at the same time spoken of in the fifth article as having been comprised in the third and fourth articles, as is expressly declared, then the reservation by France out of that exemption (which makes the second member of the same article) was also comprised; that is to say, if the whole was comprised, the part was comprised. And if this reservation of France in the second member was comprised in the third and fourth articles, then what was reserved must have been the part of the second member of the same article (which was also comprised); because it is but a corresponding portion of a similar whole on our part, which had been comprised by the same terms with theirs.

It is agreed, that in the fifth article of one hundred sols, laid by some antecedent law of France on the vessels of foreign nations, relinquished as to the most favored, and consequently to us. It is not a new and additional stipulation, then, but a declared application of the stipulations comprised in the preceding articles to a particular case, by way of greater caution.

In all the preceding articles, down to the third and fourth, and exemplified specially in the fifth, amounts to this: "The vessels of the most favored nations, coming from foreign ports, are exempted from the duty of one hundred sols; therefore you are exempted from it by the third and fourth articles. The vessels of the most favored nations coming coastwise pay that duty; therefore you are to pay it in the third and fourth articles." We shall not therefore feel that we have to pay a little duty on coasters, because it will be more than we have to pay on voyagers. You are free, also, to lay that or any other duty on other vessels coming from foreign ports, provided they apply to all other nations, even the most favored. We are free to do the same under the same restriction. Our exempting you from a duty which the most favored nations, is not to pay, does not exempt you from one which they do pay.

In this view, it is evident that the fifth article neither enlarges nor abridges the stipulations of the third and fourth. The effect of the treaty would have been precisely the same had it been omitted altogether; consequently, it may be truly said, that the reservation by the United States in this article is completely useless. And it may be added, with equal truth, that the equivalent reservation by France is completely useless, as well as her previous abdication of the same duty: and, in short, the whole article. Each party then remains free to raise or lower its tonnage, provided the change operates on all nations, even the most favored.

It must also be observed that the article relates particularly to a necessary destructurc, that this article has been inserted on the part of the United States from a never to caution to guard, "nomimized, by name, against a particular aggravation which they thought they could never be too well secured against; and that has happened, which generally happens; doubts have been produced by the too great number of words used to prevent doubt. They have, however, been removed by the addition of this and the duty, to introduce something to which the preceding articles had not reached, and not merely as an application of them to a particular case. Their opinion seems to be founded on the general rule, in the construction of instruments, to leave no words merely useless for which any rational meaning can be found. That the same is true of this article is evident from the fact, that of the one hundred sols reserved by France, would have been completely useless, if they were left free, by the preceding articles, to lay a tonnage to any extent whatever; consequently, that the reservation of a part proves a relinquishment of the residue.

If, in some meaning, and such a one, is to be given to the last member of the article, some meaning, and a similar one, must be given to the corresponding member. If the reservation by the United States, of a right to lay an equivalent duty, implies a relinquishment of their right to lay any other, the reservation by France of a right to continue the special duty to which it is an equivalent, must imply a relinquishment of their right, on her part, to lay or continue any other. As there are no equivalent restrictions on both sides, if we are free to lay the port duties, we must also be free to apply the equivalent stipulations in the preceding articles, and which pervades every part of the treaty, ensures a counter right to each party for every right ceded to the other.

It is further considered, that the duty called tonnage in the United States, is in lieu of the duties for anchorage, for the support of buoys, beacons, and light houses, to guide the mariner into harbor, and along the coast, which are provided and supported at the expense of the United States; and for fees to measurers, weighers, gaugers, &c. who are paid by the United States; for which articles, many others, (light house money excepted) duties are paid by us in the ports of France under their specific names. That government has hitherto thought these duties consistent with the treaty, and, consequently, the same duties under a general, instead of specific names with us, must be equally consistent with it; it is not the same, but the thing, which is essential. If we have renounced the right to lay any port duties, it is impossible to lay these without breaking the article.

If, if it is agreed, to receive the port duties received from their vessels, since the date of the act of Congress, they should refund the port duties they have received from our vessels since the date of the treaty: for nothing short of this is the reciprocity of the treaty. If it is adopted, then, each party has forever renounced the right of laying any duties on the vessels of the other coming from any foreign port, or more than 100 sols on those coming coastwise. Could this relinquishment be confined to the two contracting parties alone, the United States would be the gainers: for it is well known that a much greater number of American vessels than of all the foreign vessels which have entered the United States, is engaged by the one nation to the other, becomes immediately the property of all others, who are on the footing of the most favored nations. It is true that those others would be obliged to yield the same compensation, that is to say, to receive our vessels duty free. Whether we should gain or lose in the exchange is a matter for another day to say.

Another consequence of this construction will be, that the vessels of the most favored nations, paying no duties, will be on a better footing than those of natives, which pay a moderate duty; consequently, either the duty on these also must be given up, or they will be supplanted by foreign vessels in our ports. It is hardly conceivable that either party, looking forward to all these consequences, would see their interest in them.

But, if, Francepersists in claiming this exemption, what is to be done? The claim indeed is couched in mild and friendly terms, and it is easy to conceive that a refusal would be equivalent to the same article to our party. Perhaps they may do what we should feel much more severely: they may turn their eyes to the favors granted us by their arrests of December 29, 1787, and December 7, 1788, which hang on their wall, unconnected with the treaty. Those arrests, among other advantages, entitled us to the exclusive and permanent enjoyment of the fishing trade, which experience has taught us can find no other market. Near two-thirds of the produce of our cod fisheries, too, have lately found a free vent in the colonies of France.† This indeed has been an irregularity growing out of the anarchy reigning in some of their states. They have procured a market for their fisheries, and (an exception in favor of fishing) disposition can be excited by some marks of friendship, and distinction on our part) may perhaps produce a constitutional concession to them to procure their provisions at the cheapest market: that is to say, at ours.

† By an original paper from the bureau of the balance of commerce of France, we find that, of the ships which entered the ports of France from the United States in the year 1789, only 13, amounting to 3,103 tons, were French, and 165, making 24,173 tons, were American.

‡ Abstract of the produce of the fisheries exported from the United States, from August 20, 1789, to August 14, 1790, in which is omitted one quarter's exports from Boston, Plymouth, Dighton, Pensacola, Frenchman's Bay, Musquash, and New York, of which the returns are not received.

<table>
<thead>
<tr>
<th>Country</th>
<th>Cod Fishery</th>
<th>Whale Fishery</th>
<th>Both Fisheries</th>
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<tr>
<td>France and the French West Indies</td>
<td>$586,167</td>
<td>$131,906</td>
<td>$718,073</td>
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<tr>
<td>The rest of the world</td>
<td>$307,697</td>
<td>101,506</td>
<td>408,403</td>
</tr>
<tr>
<td>Wholesale produce</td>
<td>$893,264</td>
<td>233,212</td>
<td>1,126,476</td>
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Considering the value of the interests we have at stake, and considering the smallness of difference between foreign and native tonnage, on French vessels alone, it might, perhaps, be thought advisable to make the sacrifice asked; and especially if it can be so done to other favored nations to claim it. If the act should put French vessels on the footing of those of natives, and declare it to be in consideration of the favors granted us by the acts of December 29, 1787, and December 7, 1788, (and perhaps this would satisfy them) no nation could then demand the same favor without offering an equivalent compensation. It might strengthen, too, the tenure by which those acts are held, which must be precarious so long as they are gratuitous.

It is desirable in many instances to exchange mutual advantages by legislative acts rather than by treaty; because the former, though understood to be in consideration of each other, and, therefore, greatly respected, yet, when they become too inconvenient, can be dropped at the will of either party; whereas stipulations by treaty are forever irrevocable but by joint consent, let a change of circumstances render them ever so burdensome.

On the whole, if it be the opinion, that the first construction is to be insisted on, as ours, in opposition to the second, urged by the court of France, and that no relaxation is to be admitted, an answer shall be given to that court defending that construction, and explaining, in as friendly terms as possible, the difficulties opposed to the exemption they claim.

2. If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal and perpetual exemption from tonnage, repeal of so much of the tonnage law will be the answer.

3. If it be thought better to waive rigorous and nice discussions of right, and to make the modification an act of friendship and of compensation for favors received, the passage of such a bill will then be the answer.

January 18, 1791.

TH. JEFFERSON.

MONSIEUR,


Je suis avec respect, Monsieur,
Votre tres humble et tres obéissant serviteur.

L. G. OTTO.

M. JEFFERSON,
Secrétaire d’Etat, et des Affaires Etrangères.

PHILADELPHIA, December 13th, 1790.

Sir,

During the long stay you made in France, you had opportunities of being satisfied of the favorable dispositions of his Majesty to render permanent the ties that united the two nations, and to give stability to the treaties of alliance and of commerce, which form the basis of this union. These treaties were so well maintained by the Congress formed under the ancient confederation, that they thought it their duty to interpose their authority whenever any laws made by individual States appeared to infringe their stipulations, and particularly in 1783, when the States of New Hampshire and of Massachusetts had imposed an extraordinary tonnage on foreign vessels, without exempting those of the French nation. The reflections that I have the honor to address to you in the subjoined note, being founded on the same principles, I flatter myself that they will merit on the part of the Government of the United States the most serious attention.

I am, with respect, &c.

L. G. OTTO.

NOTTE.

Le soussigné Chargé des Affaires de France a reçu l’ordre expresse de sa cour de représenter aux Etats Unis, que l’acte passé par le Congrés, le 20 Juillet, 1789, et renouvelé le 30 Juillet de l’année courante, qui imposé un droit de tonnage extraordinaire sur les batimens étrangers, sans en exception les navires Français, est directement contraire à l’esprit et au but du traité de commerce, qui lie les deux nations, et dont Sa Majesté a non seulement scrupuleusement observé la teneur, mais dont elle a etendu les avantages par plusieurs réglements très favorables au commerce et à la navigation des Etats Unis.

Par l’article 9° de ce traité les citoyens de ces Etats, sont déclarés exemptes du droit de tonnage imposé en France sur les batiments étrangers, et ils ne sont assujettis à ce droit que pour le petit cabotage ou a rendre au Congrés de la faculté d’établir un droit équivalent à ce dernier; stipulation fondée sur l’état où estoient les choses en Amérique lors de la signature du traité; il n’existait à cette époque aucun droit de tonnage dans les Etats Unis.

Il est évident que c’est la non-existence de ce droit et la moitie d’une parfaite reciprocité stipulée dans la preamble du traité, qui ont déterminé le Roi à accorder l’exemption communément dans l’article 5° et une preuve que le Congrés n’avoit point l’intention de porter atteinte à cette reciprocité, c’est qu’il s’est borné a se reserver la faculté d’établir sur le petit cabotage un droit équivalent à celui qui se perçoit en France. Cette reserve aurait été complètement inutile, si aux termes du traité le Congrés s’est cru en liberté de mettre un droit de tonnage quelconque sur les batimens Français.

Le soussigné a l’honneur d’observer que cette atteinte portée à l’article 5° du traité de commerce aurait pu autoriser Sa Majesté à modifier proportionnellement les favors accordées par le même article à la navigation Américaine, mais le Roi toujours fidèle à ses principes d’amitie et d’attache pour les Etats Unis, et voulant confirmer de plus en plus les liaisons qui subsistaient si heureusement entre la nation Françoise et ces Etats a trouvé plus conforme à l’intérêt de donner au soussigné de faire des représentations à ce sujet, et de demander en faveur des navires Francais une exemption analogue à l’acte du 20 Juillet 1783, concernant sur les batimens étrangers.

Sa Majesté ne doute pas que, les Etats Unis ne reconnissent la justice de cette reclamtion et ne soient disposés à remettre les choses sur le pied, où elles estoient lors de la signature du traité du 6 Fevr. 1778.

A PHILADELPHIE, le 13 Decembre, 1790.

L. G. OTTO.
FOREIGN RELATIONS.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

NOTE.—The undersigned chargé des affaires of France has received the express order of his court to represent to the United States, that the act passed by Congress the 50th July, 1789, and renewed the 20th July of the present year, which imposes an extraordinary tonnage on foreign vessels, without excepting French vessels, is directly contrary to the spirit and to the object of the treaty of commerce which unites the two nations, and of which his Majesty has not only scrupulously observed the tenor, but of which he has extended the advantages by many regulations very favorable to the commerce and navigation of the United States.

By the 5th article of this treaty the citizens of these States are declared exempt from the tonnage duty imposed in France on foreign vessels; and they are not subject to that duty but in the coasting business. Congress has reserved the privilege of establishing a duty equivalent to this last, a stipulation founded on the state in which matters were in America at the time of the signature of the treaty. There did not exist at that epoch any duty on tonnage in the United States.

It is evident that it was the non-existence of this duty, and the motive of a perfect reciprocity stipulated in the preamble of the treaty, that had determined the King to grant the exemption contained in the article 5th; and a proof that Congress had no intention to contravene this reciprocity is, that it only reserves a privilege of establishing on the coasting business, a duty equivalent to that which is levied in France. This reservation would have been completely useless, if, by the words of the treaty, Congress thought themselves at liberty to lay any tonnage they should think proper, on French vessels.

The undersigned has the honor to observe that this contravention of the 5th article of the treaty of commerce might have authorized his Majesty to modify proportionately the favors granted by the same article to the American navigation; but the King, always faithful to the principles of friendship and attachment to the United States, and desirous of strengthening more and more the ties which subsist so happily between the French nation and these States, thinks it more conformable to these views to order the undersigned to make representations on this subject, and to ask in favor of French vessels a modification of the present duty, which imposes an extraordinary tonnage on foreign vessels. His Majesty does not doubt but that the United States will acknowledge the justice of this claim, and will be disposed to restore things to the footing on which they were at the signature of the treaty of the 6th February, 1778.

PHILADELPHIA, December 13, 1790.

L. G. OTTO.

[TRANSLATION.]

A NEW YORK, le 6 Janv. 1791.

MONSIEUR:

J’ai l’honneur de vous adresser ci-jointe une lettre du Roi au Congrès, et une autre que vous écrive M. de Montmorin. Vous y trouverez l’expression sincère des sentiments, que vous avez inspirés à notre Gouvernement et des regrets du ministre de l’aviation auprès des États-Unis d’Amérique à ce sujet, et de solliciter en faveur de négociants légis pour la restitution des droits, qui ont déjà été payés. Je vous prie instamment, Monsieur, de ne pas perdre de vue un objet qui, comme j’ai eu l’honneur de vous le dire verbalement est de la plus grande importance pour cimenté les liaisons futures de commerce entre les deux nations.

En examinant plus particulièrement cette question, vous trouverez peut-être que les motifs de convenance sont aussi puissans que ceux de justice pour engager les États-Unis à donner à Sa Majesté la satisfaction qu’elle demande. Il entrelaçait dans les ports de France au moins trois fois plus de bâtiments Américains qu’il ne vient de bâtiments Français dans les ports Américains. L’exemption du droit de tonnage est donc évidemment moins avantageuse pour les Français que pour les navigateurs des États-Unis. Quoiqu’il en soit, je vous assure, Monsieur, que les délais d’une decision à cet égard ne pourront que multiplier les difficultés en augmentant les justes plaintes des négociants Français. Je vous prie en conséquence de me mettre en état de donner à ma cour une reponse satisfaite avant l’expédition du paquet qui parara vers la fin de ce mois.

J’ai l’honneur d’être, avec un respectueux attachement, Monsieur,

Votre très humble et très obéissant serviteur,

L. G. OTTO.

SIR:—I have the honor herewith to send you a letter from the King to Congress, and one which M. de Montmorin has written to yourself. You will find therein the sincere sentiments with which you have inspired our Government, and the regret of the minister in not having been more near correspondence with you. In these, every person who has had the advantage of knowing you in France participates.

At the same time it gives me pain, sir, to be obliged to announce to you, that the complaints of our merchants on the subject of the tonnage duty imposed, and that they have excited not only the attention of the King, but that of several departments of the kingdom. I have received new orders to request of the United States a decision on this matter, and to solicit, in favor of the aggrieved merchants, the restitution of the duties which have already been paid. I earnestly beg of you, sir, not to lose sight of an object which, as I have already had the honor to tell you verbally, is of the greatest importance in cementing the future commercial connections between the two nations.

In more particularly examining this question, you will, perhaps, find that motives of convenience are as powerful as those of justice, to engage the United States to give to his Majesty the satisfaction which he requires. At least twice as many American vessels enter the ports of France, as do those of France the ports of America. The exemption of the tonnage duty is therefore less advantageous for the French, than for the navigators of the United States. Be this as it may, I can assure you, sir, that the delay of a decision in this respect, by augmenting the just complaints of the French merchants, will only augment the difficulties. I, therefore, beg of you to enable me, before the sailing of the packet, which will take place towards the last of this month, to give to my court a satisfactory answer.

I have the honor to be, &c.

L. G. OTTO.

His Excellency Mr. Jefferson, Secretary of State.
FRANCE.

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In Act of the King's Council of State, for the encouragement of the commerce of France with the United States of America. December 29, 1787.

EXTRACT FROM THE RECORDS OF THE COUNCIL OF STATE.

The King, desirous of encouraging the commerce of his subjects with the United States of America, and of facilitating between the two nations connections reciprocally useful; having heard the report of the sieur Lambert, Comptroller General of the Customs, of the Commerce and Commerce, Comptroller General of Finance, and his Majesty being in his Council, has ordained, and does ordain, as follows:

ARTICLE PREMIER. Les huiles de baie, le spermaceti, qui proviendront de la peche des citoyens et habitants des Etats-Unis de l'Amerique, et seront apportés en France directement sur vaisseaux Francais ou sur vaisseaux des Etats-Unis, continueront a n'etre soumis qu'a un droit de sept livres dix sols par quintale du poids de cinq cents vingt livres, et les fanons de baie ne le seront qu'a un droit de six livres treize sous quatre deniers par quintal, avec les dix sous pour livre en sus de l'un. Le premier, dont les dix sous pour livre cesseront au dernier Decembre mil sept cent quatre vingt-dix; se reservant, sa Majeste, d'accorder de plus grandes faveurs aux produits de la peche de la baie exercée par les vaisseaux des Etats-Unis d'Amerique, qui seront apportés en France par vaisseaux Francais ou des Etats-Unis, dans le cas ou d'apres les renseignemens que sa Majeste pourra avoir de ce negoci, le jugeront convenable aux intérêts de deux nations.

ART II. Les autres huiles de poisson, et les poissons et ses saillons provenant de meme de la peche des citoyens et habitants des Etats-Unis, et apportés de meme directement en France par leurs vaisseaux ou par vaisseaux Francais, ne payeront, tous leurs plus forts droits que ceux auxquels sont soumis dans le meme cas, les huiles et poissons de la meme espece, provenant de la peche des Villes Ansesiâtes ou des autres nations les plus favorisées.

ART III. La fabrication des chandelles ou bougies de spermaceti ou blanc de baie, sera permise en France comme celle des autres chandelles et bougies.

ART IV. Les grains, froomen, seigle, rix, pois, fives, lentilles, graines, les farines, les arbes et arboises, les potasses, connus sous le nom de potash et pearlash, les peaux et pois de castor, les cors en poil, les fourrures et pelterieres, et les bois de construction apportés des Etats-Unis directement en France sur vaisseaux Francais ou des Etats-Unis, ne seront soumis qu'a un droit d'un Huitieme pour cent de la valeur.

ART V. Tout navire qui ayant ete construit dans les Etats-Unis, sera ensuite vendu en France, ou acheté par des Francais, sera exempt de tous droits, a la charge de justifier que ledit navire a ete construit dans les Etats-Unis.

ART VI. Les theophentine, brais et goudrons, provenant des Etats-Unis de l'Amerique, apportees directement en France par vaisseaux Francais ou des Etats-Unis, ne payeront qu'un droit de deux et demi pour cent de la valeur, conformable au presente article qu'en l'article IV, exemptes de tout addition de sous pour livre.

ART VII. La sortie des armes de toute espece et de la poudre a tirer pour les Etats-Unis de l'Amerique, sera toujours permise sur vaisseaux Francais ou des Etats-Unis, mais seront soumises par embarquement pour les Etats-Unis, sur vaisseaux Francais ou des Etats-Unis, et jouiront, en ce cas, de la restitution des droits de fabrication sur les papiers et cartons.

ART VIII. Les papiers de toute espece, meme ceux destines pour teinture et damasserie, les cartons et les livres seront exemptes de tout doute, ou de la poudre a tirer, par embarquement pour les Etats-Unis, sur vaisseaux Francais ou des Etats-Unis, et jouiront, en ce cas, de la restitution des droits de fabrication sur les papiers et cartons.

ART IX. Les droits d'Amirauté sur les vaisseaux des Etats-Unis, qui arriveront ou sortiront des ports de France, ou ne pourront etre percus que conformement a l'edict du mois de juin dernier, pour les cas qui y sont portes, et aux lettres-patentes du 10 Janvier 1770, pour les objets
auxquels il n’aurait pas été pourvu par ladit edict ; se ré-
servant au surplus Sa Majesté, de faire connoître ses in-
tentions sur la manière dont les dits droits seront perçus, soit
ils soient distribués directement sur les vaisseaux, comme aussi de simplifier lesdits droits d’Amirauté, et
de les régler autant qu’il sera possible sur le principe de
la réciprocité, assuré que les travaux ordonnés par sa
Majesté par l’article X de l’article XVII dudit édit du
mois de juin dernier, seront achevés.

Art. X. L’entrepôt de toutes les productions et
marcandies des États-Unis, sera permis pour six mois
dans tous les ports de France ouverts au commerce des
Colonies ; et ne sera ledit entrepôt soumis qu’à un droit
d’un huitième pour cent.

Art. XI. Pour favoriser l’exportation des armes,
des quinquinales, des bijouteries, des bonneteries, de
laine et de coton, des petits draperies et des étoffes de
coton de toute espèce, et autres marchan-
dises de fabrique Française, qui seront envoyées
aux États-Unis de l’Amérique sur vaisseaux Français ou des
États-Unis, sa Majesté se réserve d’accorder des en-
vironnements, qui seront donnés de l’autorité du Con-
seil, selon la nature de chacune desdites marchandises.

Art. XII. Quant aux autres marchandises non dé-
nommées au présent arrêt, apportées directement en
France des États-Unis, sur leurs vaisseaux ou sur vais-
seaux Français, ou portées de France aux dits États-Unis,
et à l’égard de toutes conventions de commerce quelcon-
ques, veut et ordonne sa Majesté, que les citoyens des
États-Unis jouissent en France des mêmes droits, privi-
légiés et exemptions que les sujets de sa Majesté, sauf
l’exécution des dispositions portées par l’article X ci-
deruss.

Art. XIII. Sa Majesté accorde aux citoyens et ha-
bitans des États-Unis, tous les avantages dont jouissent
ou pourront jouir à l’avenir les nations étrangères les plus
favorisées dans ses Colonies de l’Amérique, et de plus sa
Majesté ordonne à ses citoyens et habitans des États-
Unis, tous les privilèges et avantages dont propres
sujets de France jouissent ou pourront jouir en Asie et
dans les Étapes qui y conduisent, pourvu toutefois que
leurs bateaux aient été armés et expédiés dans un des
ports des États-Unis.

Mande et ordonne sa Majesté à Mons. Le Duc de
Penthievre, Amiral de France, aux sieurs intendans et
commissaires départs dans les provinces, au commis-
series départs pour l’observation des ordonnances dans
les amirautes, aux officiers des amirautes, maîtres des ports,
juges de paquebots, et tous autres qu’il appartiendra, de
tenir la main à l’exécution du présent règlement, lequel
sera enregistré aux greffes des dites Amirautes, lu, publié
et affiché par-tout ou besoin sera.

Fait au Conseil d’État du Roi, sa Majesté y étant,
tenu à Versailles le vingt-neuf Décembre mil sept cent
quatre-vingt-sept.

Le Cte. DE LA LUZERNE.

Lettre de M. Lambert, Conseiller d’État et au Conseil royal de Finance et de Commerce, Contrôleur général des
finances, à M. Jefferson, Ministre plénipotentiaire des États-Unis de l’Amérique près de Sa Majesté
Très-Chrétienne.

VERSAILLES, 29 Décembre, 1787.

J’ai l’honneur, monsieur, de vous envoyer une copie de l’Arrêt qui vient d’être rendu au Conseil pour l’en-
couragement du Commerce des États-Unis de l’Amérique en France. Je vous en ferai passer un certain nombre
de exemplaires, aussitôt qu’il sera imprimé.

Vous y verrez que plusieurs facteurs considérables qui n’avaient point encore été promus au commerce Ameri-
cain, ont été ajoutés à celle que le Roi vous avez fait annoncer par la lettre qui vous a été écrite le 22 Octobre de l’année dernière.

Si dans l’intervalle, quelques droits ont été perçus contre les dispositions de cette lettre, ils seront restitués sur
la présentation des acquittements.

J’ai donné ordre aussi que l’on vérifiât les faits au sujet desquels on vous a rapporté que la décision du 24 Mai,
1786, relativement au commerce du tabac, n’avoit pas eu une entière exécution. Vous pouvez être assuré que,
s’il est prouvé qu’on se soit écarté des engagements pris avec la sanction du Roi, il sera scrupuleusement pourvu à
y remédier.

Vous apprendrez encore avec plaisir que les mesures qui j’ai prises pour prévenir l’interruption du commerce des
tabacs ont eu un plein succès.

Cette marchandise ne sera point exceptée de celles auxquelles l’entrepôt est accordé. La Ferme générale ne
joura d’aucune préférence pour l’achat & les propriétaires seront complètement les maîtres de leurs spécula-
dions, & d’envoyer leurs tabacs par mer à l’étranger.

* This term includes bonnets, stockings, socks, underwaistcoats, drawers, gloves, and mittens, as sold by the bonneteries.
Il sera seulement des mesures pour prévenir les fraude auxquelles l'entrepot pourrait servir de prétexte, & les chambres du commerce des ports seront consultées pour que les précautions nécessaires ne soient pas incompatibles avec la liberté dans laquelle le commerce doit jouir dans ses opérations.

Quoique l'approvisionnement actuel de la ferme générale se monte à environ trois années de sa consommation, j'ai engagé cette compagnie à continuer d'acheter par année, à compter du 1er Janvier, 1788, jusqu'à la fin de son bail, quatre-vingt douze barils de tabac, à été portés dans les ports de France sur bâtimens Français ou Américains, et de justifier tous les quatre mois que cet achat sera monté au moins à quatre mille six cent soixante et six barils.

Quant aux prix, vous avez senti vous-même la nécessité de les laisser libres; et cette liberté des prix a été le premier objet des demandes faites par les négociants Américains et Français, lors des réclamations qui se sont élevées contre le traité de M. Morris.

La résolution prise alors de forcer l'approvisionnement, quoiqu'à prix onéreux, au point qu'en résulte que la ferme générale de tabac, non seulement censée, mais montée, montre combien l'intérêt des planteurs et négocians des États-Unis de l'Amérique a toujours été précieux au Royaume.

L'arrêt du conseil joint à cette lettre et les autres dispositions dont j'ai l'honneur de vous faire part, confirment de plus en plus une vérité si propre à resserrer tous les liens qui unissent les deux nations.

J'ai l'honneur d'être,
Avec un très-sincère et inviolable attachement, monsieur,
Votre très-humble et très-obéissant serviteur,
LAMBERT.

[TRANSLATION.]


VERSAILLES, December 29, 1787.

I have the honor, sir, to send you a copy of an arrêt passed in council, for encouraging the commerce of the United States of America in France. I shall furnish you with a number of others as soon as they shall be printed.

You will therein see several hundred articles, not before promised to the American commerce, have been added to those which the King announced to you, in your letter addressed to me on the 22d of October of the last year.

If, in the mean time, any duties have been levied, contrary to the intentions of that letter, they shall be repaid on sight of the vouchers.

I have also ordered a verification of the facts wherein it was represented to you, that the decision of the 24th of May, 1786, relative to the commerce of tobacco, had not been fully executed. I assure you, that if it shall appear that engagements have been evaded, which were taken under the sanction of the King, effectual provision shall be made for their scrupulous fulfilment.

You will learn also with pleasure that the measures I have taken to prevent the interruption of the commerce of tobacco have had full success.

This commodity shall not be excepted from among those to which the right of entrepot is given. The farmers general shall have no preference in the purchases, the proprietors shall be perfectly masters of their speculations, and free to export their tobaccos by sea to foreign countries.

Measures only must be taken to prevent those frauds to which the entrepot might serve as a pretext; and the chambers of commerce of the ports shall be consulted, in order that the provisions necessary for this purpose may not be in a form incompatible with that liberty which commerce ought to enjoy in its operations.

Although the present stock of the farmers general amounts to about three years' consumption, I have engaged that company to continued purchases for the 1st day of January, 1788, to the end of their lease, fourteen thousand thousand head of tobacco, brought directly into the ports of France, in French or American bottoms, to shew, at the end of every four months, that their purchases amount to four thousand six hundred and sixty-six hogsheads.

As to the prices, you have been sensible yourself of the necessity of leaving them free; and this freedom of price was the principal object of the applications of the American and French merchants when they complained of the contract of M. Morris.

The determination then taken to force the purchases of tobacco, though at high prices, insomuch that the farmers general are now engaged to these purchases of three years' provision, shows that the interests of the planters and merchants of the United States of America have ever been precious to the King.

The arrêt of council herein enclosed, and the other regulations which I have the honor of communicating to you, are a further confirmation of a truth tending so much to strengthen the bands which unite the two nations.

I have the honor to be,
With a very sincere and inviolable attachment, sir,
Your most humble and most obedient servant,
LAMBERT.

Arrêt du Conseil d'Etat du Roya, qui excepte de la prohibition portée par l'arrêt du 28 Septembre dernier, les huiles de balette et d'autres poissons, ainsi que les fanons de balette, provenant de la pêche des États Unis d'Amérique. Du 7 Décembre, 1788.

EXTRACT DES REGISTRES DU CONSEIL D'ETAT.

Le Roi s'étant fait représenter l'arrêt rendu en son Conseil, le 28 Septembre dernier, portant prohibition à l'entrée dans le Royaume, des huiles de balette et de poisson de mer, provenant de pêche étrangère, sa Majesté auroit reconnu que les huiles de mer, et celles provenant de poissons et autres animaux vivans dans la mer, n'étant pas comprises dans ledit arrêt, il en pourroit résulter sous le nom de desdites huiles, une introduction frauduleuse d'articles de mer, et que d'autre côté, on pourrait induire des dispositions dudit arrêt une prohibition des huiles provenant de la pêche des États Unis d'Amérique; et sa Majesté voulant faire cesser toute incertitude à cet égard. A quoi voulant pourvoir: Oui le rapport du sieur Lambert, Conseiller d'Etat ordinaire et au Conseil des Dépêches, et au Conseil royal des Finances et du Commerce; Le Roi étant en son Conseil, a ordonné et ordonne, que l'arrêt du 7" Avril prochain, les huiles de mer, et celles provenant de poissons et autres animaux vivans dans la mer, provenant de pêche étrangère, seront prohibées à l'entrée dans le royaume, sans toute-fois ladite prohibition puisse s'étendre, tant aux dites huiles qu'aux cellas de balette et de spectacle, ainsi qu'aux fanons de balette, provenant de la pêche des États Unis d'Amérique, et apportés directement en France, sur des bâtiments Français, en appartenant aux sujets desdits États Unis, lesquelles continueront provisoirement d'être admises conformément aux articles I. et III. de l'arrêt du 29 Décembre dernier; et à la charge en outre par les capitaines des navires des États Unis, de rapporter les certificats des Conseils de France, résidant dans les ports desdits États Unis, et à leur défaut, des magistrats des lieux où ils ont eu la commerce dites huiles, à l'effet de constater que la cargaison desdits navires provenient de pêche faite par les citoyens des États Unis; lesquels certificats seront représentés aux officiers des arméités, ensemble aux préséntes des fermés, dans les ports de France ou se fera le débarquement, pour en être fait mention dans
les déclarations d'arrivée. Mande et ordonne sa Majesté à Mons. le Duc de Penthièvre, Amiral de France, aux sieurs Intendants et Commissaires départis dans les Provinces, au Commissaire départi pour l'observation des Ordonnances dans les Amirautes, aux Officiers des Amirautes, Maîtres des Ports, Juges des Traicts, et à tous autres qu'il appartiendra, de tenir la main à l'exécution du présent arrêt, lequel sera enregistré aux Greffes des dites Amirautes, lu, publié et affiché par tout où besoin sera.

Fait au Conseil d'État du Roi, sa Majesté y étant, tenu à Versailles le sept Décembre mil sept cent quatre-vingt-huit.

LA LUZERNE.

Le Duc de Penthièvre, Amiral de France.

Vu l'arrêt du Conseil d'État du Roi ci-dessus et des autres parts, à nous adressé: Mandons à tous ceux sur qui notre pouvoir s'étende, de l'exécuter et faire exécuter, chacun en droit soi, suivant sa forme et teneur: ordonnons aux officiers des Amirautes de le faire enregistrer au greffe de leurs sièges, lire, publier et afficher par-tout où besoin sera.

Fait à Vernon le vingt Décembre mil sept cent quatre-vingt-huit.

J. J. M. DE BOURBON.

Et plus bas, par son Altesse Sérénissime:

PERIER.

[TRANSLATION.]

Arrêt of the King's Council of State, excepting whale and other fish oil, and also whale bone, the product of the fisheries of the United States of America, from the prohibition contained in the arrêt of the 28th September last.—7th December, 1788.

EXTRACT FROM THE REGISTERS OF THE COUNCIL OF STATE.

The King taking into consideration the arrêt pronounced in his council the 38th December last, prohibiting the importation of whale oil and spermaceti, the product of foreign fisheries, into the kingdom, observing that oil made from sea calves, and other fish and sea animals, not being comprehended in said arrêt, a fraudulent importation of whale oil might take place under the name of the aforesaid oils, and that, on the other hand, it might be inferred from the tenor of the said arrêt, that oils, the produce of the fisheries of the United States, were prohibited, and his Majesty wishing to remove every doubt on this head: To provide, therefore, for the same, having heard the report of the Sieur Lambert, Councillor of State in ordinary, and of the Council of Despatches, and Royal Council of Finances and Commerce, the King being present in his council, has ordained, and does ordain, that, reckoning from the first day of April next, oil made from sea calves, and from fish and other sea animals, produced from foreign fisheries, as well as whale bone, produced in like manner from the said foreign fisheries, shall be prohibited from importation into the kingdom, without permitting the said prohibition, nevertheless, to extend either to the said kinds of oils, or to the said whale oils and spermaceti, or the whale bone, produced from the fisheries of the United States of America, and imported directly into France in French vessels, or those belonging to the subjects of the said United States, which shall continue to be provisionally admitted, agreeable to the 1st and 3d articles of the arrêt of the 29th of December last, on condition, however, that the captains of the said vessels belonging to the United States bring with them certificates from the Consuls of France residing in the ports of the said United States, or, where these cannot be obtained, from the magistrates of the places where the embarkation of the said oil shall be made, for the purpose of proving that the cargo of the said vessels is the produce of the fisheries carried on by the citizens of the United States, which certificates shall be presented to the officers of the Admiralty, also to the Commissioners of the Farms in the ports of France where it shall be landed, to be mentioned in the report of their arrival. His Majesty commands and orders the Duke de Penthièvre, Admiral of France, the Intendants and Commissaries throughout the provinces, the Commissaries appointed to observe the Ordinances of the Admiralty, the Officers of the Admiralty, Masters of Ports, Judges of Treaties, and all others whom it may concern, to assist in the execution of the present arrêt, which shall be registered in the offices of the said admiralties, read, published, and posted wherever it may appear necessary.

Done in the King's Council of State, his Majesty being present, held at Versailles, the 7th of December, 1788.

LA LUZERNE.

The Duke de Penthièvre, Admiral of France.

Having seen the above arrêt of the King's Council of State and the other parts addressed to us: We command all those over whom our power extends, to execute and cause it to be executed, each as his duty is, agreeable to its form and tenor. We order the officers of the admiralties to register it in the office of their jurisdictions, to read, publish, and post it wherever it may be necessary.

Done at Vernon, the 20th of December, 1788.

J. J. M. DE BOURBON.

And beneath, by his Serene Highness:

PERIER.

1ST CONGRESS.

No. 48. [3d Session.

PRISONERS AT ALGIERS.

Letter in relation to the Prisoners at Algiers, communicated to the Senate, 21st January, 1781, by the Secretary of State.

PHILADELPHIA, January 20, 1791.

Sir: I have the honor to enclose you a letter from one of our captive citizens of Algiers, if I may judge from the superscription, and from the letters from the same quarter which I have received myself. As these relate to a matter before your House, and contain some information we have not before had, I take the liberty of enclosing you copies of them. I have the honor to be, With sentiments of the most profound respect and attachment, Sir, your most obedient and most humble servant.

THE PRESIDENT OF THE SENATE.

TH. JEFFERSON.
PRISONERS AT ALGIERS.

CITY OF ALGIERS, May 17, 1790.

ESTIMATED SIR: 

I have the honor of writing you a letter dated the 11th instant, and as time permits I shall mention other particulars. The Vichellahdez being further sounded relative to a peace with America, says, that if the French in them would make a peace with this regency, why do they not send an ambassador, or empower some person to act for them? and I cannot help repeating to you that the foundation of all treaties in this regency should be laid by some person in America, or by the Vichellahdez being well satisfied that you, Sir, you may confide in him and by empowering Monsieur Faure, the affair would be done with that secrecy which is incumbent on it, knowing that America has three powerful enemies in Algiers, viz: French and Spaniards, and the most inveterate is the English. But as British affairs are very unsettled at present, British influence cannot be very great. And the French are just emerged from having very nearly lost their peace, and the present situation of France is such, that I believe they cannot afford to give money to this regency, to corrupt the Algerines to the prejudice of America.

When the English consul signified to the Dey and regency, that Spain was arming to support the Grand Duke of Tuscany, the Vichellahdez said that any nation that took the part of the Russians or Imperialists, that nation had no longer a peace with this regency; so that I assure you, that if the Spaniards arm in favor of the French, they are no longer at peace with Algiers. The Spanish consul said that Spain had armed a small fleet, as customary, to exercise the officers of their marine, and if the armament was any way extra, it was perhaps on account of some disturbance in the distant marine. So that considering the present situation, and the three enemies of America in this quarter, and this regency in want of cruisers, I cannot perceive that ever a more favorable opportunity offered for America to make peace than the present; and I must observe, that those nations, the Dutch, Danes, Swedes, and Venetians, have their peace on a more solid basis than the Spanish peace; for the annual tribute those nations pay is that the bate that keeps their peace, and not any sentiment of national honor, or regard to treaties, but the view of the tribute annually, and for their own convenience, in being supplied annually with naval and military stores.

It was made a very dishonorable and impolitic peace. What makes the Algerines adhere to it, is owing to the vast sums of money and presents given, which are sufficient to almost tempt these people to adore Lucifer; and depend, that when the Dey goes to his long home, it will be difficult for the Spaniards to keep their peace, &c., as they gave a great sum of money for their peace, and a second great sum not to be tributary. These people say at present, that for the last twenty years that they have to keep the peace with Spain, but it would be too barefaced for the present Dey and ministry to break the peace or treaty, insomuch as they themselves made it, or agreed there to.

But I must suppose they are ready to embrace every opportunity of trying for a peace; and even if refused a second time, notwithstanding good policy requires that always some person should be empowered: for depend, it is very prejudicial to America in not having a peace with the Barbary States; and I compute that the assurance, paid on American bottoms and merchandise, amounts annually to upwards of a million sterling, which sum the British nation gets by ensuring American property, on account of our not being at peace with the Barbary States.

You will observe that the Spaniards gave the former Vichellahdez thirty-two thousand dollars for bringing the subject of the Spanish peace before the Dey and Divan, and they gave very valuable presents; so that, considering from the 1st of June 1785 to May 1790, it is generally said here, that the Spanish peace and ryalas, or presents and redemptions, have cost Spain fall fourard a half millions of dollars. And as I often wrote you, that there is no doing business with these people without first giving presents, it being the custom of this country, therefore I think that the Vichellahdez's demand, of an American schooner of twelve guns, was by no means high: for, as you will observe, the latter part of the peace, so to say, in every thing, is made by the friend and advocate so that, if the Americans did not succeed, the Vichellahdez of course would not expect to get the schooner: but still, it would be requisite to render these presents for his trouble and good intentions, so as to keep him the friend of America on another occasion. But all, in a great measure, depends upon the Vichellahdez: the Dey is led by him in every respect; and, by liberally rewarding him, the terms of the peace would not be very high: for all depends on his representations to the Dey, and no one dare oppose him.

But, to keep the peace hereafter, much attention should be paid to the prime minister. Indeed, no one can say, with any degree of certainty, who may be the Dey's successor; and a peace, made by one party in opposition to the other, will be said to be on a firm basis, or lasting: for, if the party in opposition once gets the helm of state, they will not consider themselves bound to keep the peace made by the other party; and there is a great party that disapproved of making a peace with Spain. Many respectable Turks here say, that it was nothing but bribery, or a torment to their own country, why which the Algerine ministry could not resist, that obtained Spain a peace. Indeed it was by no means the voice of the people.

Fine. — N. B. These are the copies of the letters I wrote to Mr. Carmichael; which you will please to signify to him, if he is in Europe.

ESTIMATED SIR, &c.

To William Carmichael, Esq.

RICHARD O'BRIEN.

CITY OF ALGIERS, June the 24th, 1790.

ESTIMATED SIR: 

I have the honor of informing you, that good fortune and favorable opportunities offering, the following particulars were communicated to his excellency the Edelndi Vichellahdez, General of the Marine and Minister for Foreign Affairs for this regency, by two of my brother sufferers in the Dey's palace, viz: George Smith and Richard Sloan. The first is chamberlain to the Vichellahdez, the second is captain aprense in the Dey's ship. That the United States of America abound in masts, yards, spars of all sizes fit for vessels, and plank and scantling, tar, pitch, and turpentine, and iron: that these articles are cheaper in America than they are in any part of Europe. That there is no nation in the world that builds such fine and fast sailing cruisers as the Americans; that the Americans never did the Algerines any injury: that they never fitted out cruisers against them, and always wished to make an honorable peace with this Regency, as the Americans considered the Algerines to be a brave people like themselves.

That the Americans have but little money, but that the currency of the country is paper money, but that America abounds in maritime stores; that if the Algerines would make a peace with America, they may be supplied with American cruisers at a very cheap rate, and also with all the productions of America which this Regency may want, besides a hundred thousand pounds sterling, which in money to purchase the Algerines' armament, if the Americans supply them with spars, plank, scantling, tar, pitch, turpentine, and Philadelphia iron; and, by being at peace with America, the Algerines would be supplied with cruisers and stores, and need not be at the trouble and expense of building cruisers in America. Of course they would take many prizes, and could pay all their attention to their marine, in constructing gun boats to protect the city.

That these propositions were partly the instructions of the American ambassador, who came here in 1786, and intimated only to ascertain our ransom, and try to make a peace on honorable terms with this regency, and to see if this regency would have any disposition to give us a peace; and for the peace, in ten thousand pounds, ten thousand dollars, ten thousand pounds, and ten thousand dollars, all to be agreed on at a certain fixed price, by treaty; but that Mr. Lamb could speak nothing but English, and the French counsel, and Conde d’Espliny, the Spanish ambassador, would not take the trouble to explain Mr. Lamb's propositions, as the terms of the peace would be advantageous to the Algerines.
rines; and that the French and Spaniards advised Mr. Lamb to return to America; that the Algerines would not undertake to supply him, unless the United States would pay the usual duties, and that America was in no condition to supply him. Whether this is true or not, it is evident that the belief of it in the United States would be the cause why such vessels are manned with fewer sailors than those of any other nation; that they sail faster, and consequently are less liable to be captured; and of course little profit the Algerines can derive by being at war with the Americans, would proportionably be the case. In case the Algiers should be at war with the northern nations of Europe, the Algerines may be supplied with maritime stores by the Americans; and that, if the regency would not find it to their advantage to sell the Americans passports for the Mediterranean and ports adjacent, or elsewhere, at a certain reasonable price, and on conditions to be fixed by treaty, which conditions would be in accordance with the provisions of the present treaty, it is the hope of the Americans to that end they would be free to trade therein. It is the hope of the Americans to make their walls at any time, and that the Americans will at any time, reward any person that is their friend and advocate, in making the peace, as their circumstances will admit!"

These propositions were explained to his excellency the Minister for Foreign Affairs, at sundry times, from the 7th to the 17th of March.

The Vickelhadge asked how these propositions of the American ambassador were known to us. He was answered that Captain O'Brien read Mr. Lamb's instructions several times, and he explained them to us. His excellency the Vickelhadge said, that when Mr. Lamb was in Algiers, in 1786, that at that period this regency was setting the Spanish peace, and that the American ambassador was by no means a suitable person, as he spoke nothing but English, and they knew nothing of his propositions. That after the Americans had freed themselves from the British, that the British nation had demanded as a favor of this regency, not to make a peace with the Americans, and to make it independent of the regency, as has been the case in the former peace; and that the Americans would have an influence on the Americans' obtaining a peace. That these three nations were and are the enemies of America, and that he would explain all more particularly to the American ambassador, if he came to make a peace; but that those nations had no influence over the Americans, and that nothing should prejudice this regency against the American ambassador, as he would make a peace.

The Vickelhadge said he believed this regency would make a peace with America on as easy terms as possible, considering the present times, and as the Americans had no money to give for a peace, we must give the productions of America, viz. tar, pitch, turpentine, masts, yards, spars, plank, and scaulding, and cruisers American built.

Indeed, I hope Congress will appoint a proper person to negotiate the peace, and I should certainly recommend Mr. Faure as a good assistant; I think you may confide in him. But all I now mention is entirely unknown to any person here; nor will I say it is the wish of the French, nor of the Spanish, and it will be with the American ambassador, he hopes all will be according to that good policy and secrecy that such important business requires, as no person here has any idea that the Americans are thinking of a peace.

I have stated the particulars communicated to the Vickelhadge, and his answers, and submit all with much respect to your consideration. Indeed, it would have been impossible to have brought the affair to its present merit in any other manner: for depend, the Vickelhadge would not have listened to propositions different from what have been communicated, and I have the pleasure to add, that, about a month ago, the Nozagec asked the Captain Arapa, one of my crew, why the Americans did not try for a peace.

I hope Congress will send the ambassador to Algiers as extensive powers as possible, and should the terms of the peace be too great, that his instructions will admit him to see on what terms he could procure one hundred and fifty passages of Algerians; for, as you will conceive, until you give some answer, and empower a person to act, it is impossible to know exactly on what terms America may obtain peace, or what the heads of the treaty may be. I think all wears a favorable aspect.

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The Vickelhadge said he was asked by the Spanish, which may be his brother-in-law, and the American ambassador, he hopes all will be according to that good policy and secrecy that such important business requires, as no person here has any idea that the Americans are thinking of a peace.

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in want of cruisers, and, I dare say, never a more favorable opportunity offered, or will offer for America, than the present, which bids fair to open an extensive field of commerce and wealth to America.

I have had the honor of writing you concerning the Morocco affairs, but I suppose you have heard all, the same time past. I hope we shall keep our peace with Morocco; for, the situation of West Barbary is such as to be very detrimental to our commerce, if we, unfortunately, should lose the peace with the new Emperor. I need not mention to you the distressed and suffering situation of my brother sufferers in the marine.

Esteemed Sir,
Your most obedient, most humble servant,

RICHARD O'BRIEN.

TO WILLIAM CARMICHAEL, ESQ.
American Ambassador at Madrid.

N. B. The copy of this letter I sent to Mr. Carmichael; it was dated May 15th, 1790, and not being certain where he was, I thought it of sufficient importance to write to you, so that, should Mr. Carmichael be in your country, as report says, you will give him these letters to read, keeping the same time copies, and transmit such parts thereof to Congress as you think requisite, or to Mr. Jefferson. The same time acknowledge the receipt of these letters as soon as possible, so that I may know you have received them.

The fourteen unfortunate Americans in Algiers were informed by Mr. Abraham Bushara, and Dininio, capital Jew merchants of this city, that they had received orders from America, by way of London and Lisbon, to make application to this regency, to ascertain and fix the ransom of the American captives. After their statement, I made a tour through all the countries of Algiers, and I must say with the highest assurance, that I am not at all in doubt of the Dey and ministry, and I agree for the price of the said fourteen Americans at seventeen thousand two hundred and twenty-five Algerine sequins. I have explained the price, and the Dey and ministry have fixed it.

At that period there were nearly 3,000 slaves in Algiers, but the Spaniards, Neapolitans, and other nations, redeeming their people, and the prices fixed by the Dey in 1787-88, carrying off 790 slaves (the number of six) Americans the number of slaves is reduced to 700. The major part of these are deserters from the Spanish garrison of Oran. Since that period the Dey has raised the price on slaves, and it is small to admit of slaves being redeemed. They are much wanted to do the public work, which is, assured, sir, is very laborious. The price asked for the American slaves is exorbitant, considering the present want of slaves, and the terms of release of captives of other nations.

Mr. Bushara and Dininio, having a great knowledge of these people, were very fortunate in prevailing on the Dey and ministry to fix the release of the Americans at 17,825 sequins. Our greatest fears were, that the Dey, under the greater difficulty, might release them at a much lower price, and that, if the Americans did not keep their word on so small an affair as the sum asked for our release, there was no dependence to be put in them in affairs of more importance. Indeed, sir, I hope, for the honor and interests of the United States of America, that the price now fixed for our release shall be immediately agreed to; and, assured, sir, if this opportunity in our behalf is not embraced, that we shall be the most miserable slaves in the world, for we shall be doomed to perpetual slavery.

After the price was fixed, the prime minister observed, that he could not conceive what ideas the Americans had of the Algerines, by first sending an ambassador, who, making a regular bargain or agreement for our release, and promising to return in four months, had not kept his word. We said, that at that time our country was forming a government, and that we did not suppose the ambassador had informed Congress of the agreement he made. The prime minister said the ambassador did not act right. We answered, that, perhaps he did not understand that he made a bargain, and that our proposal was not well understood. Much passed on this subject, the present cause or defense, or lord chamberlain to the Dey, said he was present when Mr. Lamb agreed for our release.

On the 8th instant, the prime minister sent privately to me, and desired that, when I wrote, to mention all he said in his presence, that I was not to turn to the subject. We are much indebted to the prime minister: for, depend, sir, he is a friend to America. He was so good as Mr. Lamb was in Algiers; and, even at that period, had matters been well managed, the foundation of a peace might have been laid.

Should any change happen in this government, we apprehend it will be very prejudicial to our release; or, should the Portuguese, Neapolitans, or Genoese, redeem their people on higher terms than is at present asked for the Americans, depend upon it, sir, that, to get us clear, would be attended with much difficulty.

You will please to consider, sir, what our sufferings must have been in this country, during the trying period of five years captivity, we surrounded with the pest and other contagious distempers, far distant from our country, families, friends, and connections.

Depend upon it, sir, that it is prejudicial to any nation that leaves its subjects in slavery: for, in no respect can it answer any public benefit, or be of any advantage to the country they belong to. The longer the time they are in slavery, the greater the difficulty of redeeming them, and it is well known that the price of the slaves is rising on every application, owing to the decrease of slaves, as the Algerines find they cannot carry on the public work without slaves.

The redemption has been ascertained and fixed, several applications have been made to the Dey and ministry to permit captives of other nations to be redeemed on the same terms as fixed for the Americans; but the Dey answered that he wanted slaves. These applications were for certain persons, but not for any general or national redemption.

On the 3d of April, 1786, Mr. Lamb agreed with the Dey on these terms, for the release of the Americans:

| For each master, 3,000 sequins; | 6,000 |
| For each mariner, 750 sequins; | 4,000 |
| For each mate, 2,000 sequins; | 7,500 |

Sequins, 17,500

Duties and fees on the ransom of slaves, amounting to 15 or 18 per cent.

On the 17th July, 1790, our ransom was ascertained and fixed by Bushara and Dininio with the Dey and ministry at

| 3 masters, O'Brien and Stephens, at 3,000 sequins each | 4,000 |
| 2 mates, Alexander Forsyth and Andrew Montgomery, at 3,000 sequins each | 6,000 |
| Jacobus Jansvier, a young lad aged 22 years, and page to the Dey | 2,000 |
| William Patterson, a smart seaman | 1,500 |

City of Algiers, July 12th, 1790.
James Cathcart, a young lad understanding navigation, 1,700
George Smith, a young lad, and page to the Dey, 900
Philip Sloan, at 700
John Robertson, at 700
Peleg Loring, at 700
James Harnett, at 700
James Hull, at 700
John Gregory Billings, at 700

First cost, 17,100
Extra fees, 185

N. B. A sequin is equal to 8s. sterling. Sequins, 17,225

A duty of 15 or 18 per cent. to be added, being fees on the redemption of slaves.

Indeed sir, there is no alternative. We are at the lowest price that any public slaves will be redeemed whilst the present government stands; and I am sure our country will see, by our ransom, the fatal and bad consequence of being at war with the Barbary States, particularly so commercial a nation as the American is. All other commercial nations have experienced the bad policy of a war with the Barbary States.

Who could have thought that the haughty Spanish nation would have given such vast sums for making and keeping peace with the Barbary States, and changed their national flag? But the Spaniards saw they were made a sort of political tool by all the other commercial nations.

The regency, some time past, wanted three of the young Americans to embrace the Mahometan religion, but they would not. This I suppose may account for the motives of their price being something extra.

Two months past one of my crew, Charles Colvill, was redeemed by charitable contributions raised by his friends. His ransom cost 1,700 dollars. I believe he returns to America. He is capable of giving much information on Barbary affairs.

Three Algerine galleys have taken a polacre with sixteen Greeks, with a pass from the deceased Grand Seignior. They are enslaved by the Algerines by their having been under Jerusalem colors. They also took a Neapolitan brig, the crew of which escaped, and a Genoese vessel, but an armed Tartan of Genoa retook this vessel with 20 Moors and Turks on board. The Algerine galley took another Neapolitan vessel near Toulon. The Neapolitan seamen in that port manned their boats, and went out of Toulon and retook the vessel. This is likely to be a serious affair. Depend upon it, sir, that the Chamber of Commerce of Marseilles must pay all damages.

I have now the pleasure of informing you, that the court of Portugal has dropped their idea of making a peace with this regency. I believe all their propositions were rejected by the Algerines. Indeed, sir, this is very fortunate for the Americans; for, if the Algerines were at peace with Portugal, the cruisers of this regency would meet with no obstruction in their cruising in the Atlantic, which of course would be very prejudicial to the commerce of America.

The minister for foreign affairs being somewhat sounded relative to a peace with America, asked if we had wrote to our country the purport of what he said on the subject. He was answered, that I had wrote on the subject to the American ambassadors in Europe.

He answered and said that he would do all he had promised, and not deviate or withdraw his word. This answer was about the 4th of June. Indeed, as the present minister for foreign affairs has expressed himself so friendly in behalf of America, I hope there will be a lasting friendship between them and him, who, you may depend, sir, is well inclined to serve the Americans.

My brother sufferers and I, sir, return you our sincere thanks for befriending us so much in the cause of liberty, being convinced that you have done all in your power with the Congress, to redeem this unfortunate and faithful remnant of Americans; and we make not the least doubt, that our country will immediately see the necessity of agreeing to pay the sum for our release, as has been ascertained. Our dependence is on a generous and humane country, whom, that God may prosper, in the sincere wish of,

Esteemed sir,
Your most obedient most humble servant.
RICHARD O'BRIEN,
In behalf of myself and brother captives.

To THOMAS JEFFERSON, Esq.

P. S. We are much indebted to the Spanish consul and other gentlemen, for many favors rendered in times of impending danger.

1st Congress.]
No. 49.

FRANCE.

Letter from the Secretary of State, enclosing extracts from a letter from William Short, Esq.

PHILADELPHIA, February 2, 1791.

Sir:
As the information contained in the enclosed extracts from a letter of Mr. Short, lately received, has some relation to a subject now before the Senate, I have thought it my duty to communicate them; and have the honor to be, with sentiments of the most profound respect and attachment,

Sir, your most obedient,
And most humble servant,

The President of the Senate.

Extract of a letter from William Short, Esq. Chargé des Affaires of the United States at the Court of France, to the Secretary of State, dated Paris, October 21st, 1790.

"It cannot be dissembled that the national assembly consider their commerce with the United States of much less importance now, than they will do in a short time hence. Some suppose us so much attached to England, and to English manufacturers, that every sacrifice which France could make to encourage commercial connexions with us
would be lost. They say that the experience of seven years has sufficed to shew this. Others suppose that the commerce with the United States is a losing commerce. They are supported in this opinion by many of their merchants, who tell them there is no instance of a French house having undertaken that commerce, without losing by it. It is easy to answer these arguments so as to satisfy individuals, and even the kingdom, who entertain an unfavourable impression remains with many. When they are told that the Americans have continued to trade with England since the peace, because their articles of exportation were either subjected to a monopoly, or to such shackles in France, as prevented their coming here; that losses have been sustained in the American commerce, by the failures which the peace brought on, and by the improper credit given to those who did not deserve it; by agents ill-chosen, or by goods ill-assorted; when they are told that the exportations from America to Europe, are annually upwards of ninety millions, and, of course, that they are able to pay for that amount of European manufactures and productions, that France can furnish the greater part of them, on better or equal terms with England; that the United States furnish raw materials, and receive in return only those which are manufactured; that the transport of these articles has hitherto benefitted the English, and might now benefit the French marine; they view the subject in a different light, and suppose it well worth attending to: They then come immediately to the necessity of a treaty of commerce, as being the only means of securing the advantages to be expected from these communications; they urge that laws, which may be repealed from day to day, cannot be depended on, besides, that there is no reciprocity in them; they quote the Arrêt du Conseil for the encouragement of American commerce, and our act of Congress on import and tonnage; they consider the latter on being placed on the same footing with the English, at the first session of the new Congress; the proceedings of the second are not yet known.

"The desire of some of the members of the committee of commerce was to subject our articles imported into France, and our ships, to the same duties and tonnage that we subjected theirs. A desire, however, not to discourage our commerce entirely: a hope that our system, with respect to them, would be changed; and a wish to have their tariff of duties on importation and exportation, uniform for all, induced them to reject the idea. The report of the committee of commerce has been read in the assembly, and ordered to be printed. You will receive it enclosed. The tariff is under press, and shall be sent also, as soon as it appears. How far it will be adopted I cannot say; but as the assembly feel the necessity of one being immediately established on the abolition of the internal barriers, it is much more than probable they will adopt it in the lump, to save time, although the members of the committee themselves agree that it is very imperfect. They say time and experience alone can shew what alterations should be made. They apprehend that a treaty may prevent many of the different members of the committee to each other in what regards us, those who are graziers, and those who are interested with the Nantucket fishermen, settled in France, (of which there are both in the committee) insist on heavy duties being laid on salted meats, and the productions of fish. They have succeeded in the committee, and will probably succeed, for the reasons mentioned above, in the assembly. The low price of our salted meats alarmed them; they were afraid to the advantages of procuring subsistence, on the best terms possible, to the poorer classes; and the preference which should be given to the cultivation of corn above grazing, on account of population. There is little doubt, therefore, that the regulations made by the present assembly respecting our commerce will not be such as we could wish."" The proceedings of a large and tumultuous assembly are so irregular, that one is obliged to be on a constant watch, to prevent the individual members, who are interested, from passing into a decree, such things as the House do consider of very great moment; contrary to which is no other individual particularly interested in its opposition. The importation of salted provisions and whale oil are in this class. You will see by the tariff enclosed, that the committee proposes heavy duties on the former, and a prohibition of the latter, without any regard to the laws formerly made for the encouragement of our commerce. The Marquis de la Fayette will do whatever he can, to prevent these things passing, and I hope will succeed. I have spoken to several members on this subject; they all agree on the necessity of putting the American commerce on a different footing; they talk of the propriety of acquiring a reciprocity ensured by a treaty, and plead that favors hitherto granted to our commerce in France, did not create similar expectations in the United States: and many of the American at L'Orient, and Dunkirk, have large quantities of oil on hand unsold, which proves they are competent to the supplies of the kingdom, and are buoyed up with the hopes that they will be joined by many others, who will come to settle in France rather than go to the English possessions."

1st Congress. No. 50. [3d Session.]

GREAT BRITAIN.

Message of the President of the United States, relative to a Commercial Treaty with Great Britain, &c.

Gentlemen of the Senate and of the House of Representatives:

Soon after I was called to the administration of the Government, I found it important to come to an understanding with the court of London, on several points interesting to the United States, and particularly to know whether they were disposed to enter into arrangements, by mutual consent, to fix the commerce between the two nations on principles of reciprocal advantage. For this purpose I authorized informal communications with their ministers; and from these I do not infer any disposition, on their part, to enter into any arrangements merely commercial. I therefore thought it proper to give you this information, as it might at some time have influence on matters under your consideration.

Gentlemen of the Senate:

Conceiving that, in the possible event of a refusal of justice, on the part of Great Britain, we should stand less committed should it be made to a private rather than to a public person, I employed Mr. Gouverneur Morris, who was on the spot, and would give him any confidential character, to enter informally into the conferences before mentioned. For your more particular information, I lay before you the instructions I gave him, and a summary of his communications wherein the British ministers appear, either in conversation or by letter. These are two letters from Dr. Franklin to Mr. Pitt, and three letters of Mr. Morris, giving an account of two conferences with the Duke of Leeds, and one with him and Mr. Pitt. The sum of the case is, that they declare with their utmost scruple they do not mean to fulfil what remains of the treaty of peace to be fulfilled on their part (by which we are to understand the delivery of the ports and payment for property carried off) till performance on our part, and compensation where the delay has rendered the performance now impracticable; that, on the subject of a treaty of commerce, they avoided direct answers, so as to satisfy Mr. Morris they did not mean to enter into one, unless it could be extended to a treaty of alliance offensive and defensive, or unless in the event of a rupture with Spain.
FOREIGN RELATIONS.

[1791.]

As to the sending a minister here, they made excuses at the first conference, seem disposed to it in the second, and in the last express an intention of so doing.

Their views being thus sufficiently ascertained, I have directed Mr. Morris to discontinue his communications with them.

GEO. WASHINGTON.

NEW YORK, October 13, 1789.

SIR:—It being important to both countries, that the treaty of peace between Great Britain and the United States should be concluded on principles which conduce to perfect and mutual good faith, and that a treaty of commerce should be concluded by them, on principles of reciprocal advantage to both, I wish to be ascertained of the sentiments and intentions of the court of London on these interesting subjects.

It appears to me most expedient if these inquiries are made informally, by a private agent; and understanding that you will soon be in London, I desire you, in that capacity, and on the authority and credit of this letter, to converse with his Britannic Majesty’s ministers on these points, viz: Whether there be any, and what, objections to now performing those articles in the treaty which remain to be performed on his part; and whether they incline to a treaty of commerce and navigation, on any, and what, terms.

The communication ought regularly to be made to you by the Secretary of State; but that office not being at present filled, my desire of avoiding delays induces me to make it under my own hand. It is my wish to promote harmony and mutual satisfaction between the two countries; and should give me great pleasure to find that the result of your agency, in the business now committed to you, will conduct to that end.

I am, &c.

GEO. WASHINGTON.

NEW YORK, October 13, 1789.

SIR:—My letter to you, herewith enclosed, will give you the credence necessary to enable you to do the business which it commits to your management, and which I am persuaded you will readily undertake. Your inquiries will commence by expressing to that, as a present Constitution was never, and the courts established in pursuance of it, the removal of objections hereafter made to putting the United States in possession of their frontier posts, it is natural to expect, from the assurances of his Majesty and the national good faith, that no unnecessary delays will take place. Proceed then to press a speedy performance of the treaty respecting that object.

Remind them of the article by which it was agreed, that negroes belonging to our citizens should not be carried away; and of the reasonableness of making compensation for them. Learn with precision, if possible, what they mean to do on this head.

The commerce between the two countries you well understand. You are apprised of the sentiments and feelings of the United States in the present state of it; and you doubtless have heard, that, in the late session of Congress, a very respectable number of both Houses were inclined to a discrimination of duties unfavorable to Britain; and that it would have taken place but for conciliatory considerations, and the probability that the late change in our government and situation would lead to moderate arrangements.

Request to be informed, therefore, whether they contemplate a treaty of commerce with the United States, and on what principles or terms in general. In treating this subject let it be strongly impressed on your mind, that the privilege of carrying our productions in our vessels to their islands, and bringing in return the productions of those islands to our own ports and markets, is regarded here as of the highest importance; and you will be careful not to countenance any idea of our dispensing with it in a treaty. Certainty, if possible, their views on this point: for it would not be expedient to commence negotiations without previously having good reasons to expect a satisfactory termination of them.

It may also be well for you to take a proper occasion of remarking, that their omitting to send a minister here, when the United States sent one to London, did not make an agreeable impression on this country; and request to know what would be their future conduct on similar occasions.

It is, in my opinion, very important that we avoid errors in our system of policy respecting Great Britain; and this can only be done by forming a right judgment of their dispositions and views. Hence you will perceive how interesting it is that you obtain the information in question, and that the business be so managed, as that it may receive every advantage which abilities, address, and delicacy, can promise.

I am, &c.

GOUVERNEUR MORRIS, Esq.

NEW YORK, October 13, 1789.

SIR:—I arrived in this city on Saturday evening the 28th of March, and called the next morning on the Duke of Leeds, minister for foreign affairs. He was not at home. I therefore wrote him a note, copy whereof is enclosed, as also of his answer, received that evening. On Monday the 29th, I waited upon him at Whitehall, and after the usual compliments, presented your letter, telling him that it would explain the nature of my business. Having read it he told me the great respect which his Majesty entertained for me, and the warmth and gladness to receive this information; that he had been of opinion, and had written so to Mr. Adams, that the articles ought to be performed, in the order in which they stood in the treaty. Not choosing to enter into any discussion of his conduct in relation to Mr. Adams, I told his grace that I had but one rule or principle both for public and private life, in conformity to which I had always entertained the idea, that it would conduce to the harmony of the treaty, of the treaty of the United States, first, to perform all their stipulations, and then to require such performance from others; and that, (in effect) if each party were, on mutual covenants, to suspend his compliance, expecting that of the other, all treaties would be illusory. He agreed in this sentiment, upon which I added, that the United States had now placed themselves in the situation just mentioned. And here I took occasion to observe, that the Southern States, who had been much blamed in this country for obstructing the recovery of British debts, were not liable to all the severity of censure which had been thrown upon them that their negroes having been taken or seduced away, and the payment for those negroes having been stipulated by treaty, they had formed a reliance on such payment for discharge of debts contracted with British merchants, both previously and subsequently.
to the wary that the suspension of this resource had occasioned a deficiency of means, so that their conduct had been dictated by an overruling necessity. Returning, then, to the main business, I observed, that as we had now fully performed our part, it was proper to mention that two articles remained to be fulfilled by them, viz: that which related to the posts, and that regarding a compensation for the negroes; unless, indeed, they had sent out orders respecting the former, subsequent to the writing of your letter; and I took the liberty to consider that as a very probable circumstance. He now became a little embarrassed, and told me that he could not exactly say how that matter stood. That as to the affair of the negroes, he had long wished to have it brought up, and to have something done, but something or other had always interfered. He then changed the conversation, but I brought it back, and he changed it again, and so it went on, till it was apparent, that he could go no further than general professions and assurances. I then told him, that there was a little circumstance which had operated very disagreeably upon the feelings of America. Here he interrupted me: "I know what you are going to say, our not sending a minister. I wished to send you one; but then I wished to have a man every way equal to the task, a man of abilities, and one agreeable to the people of America; but it was difficult. It is a great way off, and many object on that score." I expressed my persuasion that this country could not want men well qualified for every office; and he again changed the conversation; therefore, as it was not worth while to discuss the winds and the weather, I observed that he might probably continue it in the matter a little, and to read again the treaty, and compare it with the American constitution. He said that he should, and wished me to leave your letter, which he would have copied, and would return to me. I did so, telling him that I should be very glad to have a speedy answer, and he promised that I should. In this, I think, that nine days have since elapsed, and I have not heard, but the Duke of Leeds. It is true that Easter holidays have intervened, and that public business is in general suspended for that period. I shall give them sufficient time to shew whether they are as well disposed as he has declared, and then give him a hint. Before I saw him, I communicated to the French ambassador, in confidence, that you had directed me to call for a performance of the treaty. I cannot say, that they would not give up the posts. Perhaps he may be right. I thought it best to make such communication, because the thing itself cannot remain a secret and by mentioning it to him, we are enabled to say with truth, that, in every step relating to the treaty of peace, we have acted confidentially in regard to our ally.

With perfect respect, &c.

GOUVERNOR MORRIS.

GEORGE WASHINGTON, Esq.
President of the United States.

SIR:
I should not have so long delayed returning an answer to the letter you received from General Washington, which you had the goodness to communicate to me last month, had I not heard you were in Holland; I received some information from you, which I thought would sooner have acknowledged, but was at first prevented by a multiplicity of engagements, and since by illness. The two subjects contained in General Washington's letter, are indisputably of the highest importance; and I can safely assure you, that it has ever been the sincere and earnest wish of this country, to fulfill her engagements (contrived by the treaty of peace) with the United States in a manner consistent with the most scrupulous fidelity.

We cannot but lament every circumstance which can have delayed the accomplishment of those engagements (comprised in the treaty) to those States were in the most solemn manner bound; and should the delay in fulfilling this engagement, in future letters I have no doubt of declaring, our object is to retard the fulfilling such subsequent engagements, as had been entered into with the United States, by our predecessors, as our pretensions to our subjects upon the particular points of the treaty itself, or a fair and just compensation obtained for the non-performance of those engagements on the part of the United States.

I can only say, that it is the sincere wish of the British Government to cultivate a real and bona fide system of friendly intercourse with the United States; and that every measure which can tend, really and reciprocally, to produce that object, will be adopted with the utmost satisfaction by Great Britain.

I am, sir, &c.

GOUVERNOR MORRIS, Esq.

LEEDS.

SIR:
I do myself the honor to enclose a copy of my letter of the first instant. On the night of the fourth there was a hot press here, which has continued ever since; and the declared object is to compel Spain to agree to an insult offered to Great Britain by capturing two vessels in Nootka Sound.

Permit me to observe incidentally, that it would not be amiss for the American captain, who was a witness of the whole transaction, to publish a faithful narrative. The general opinion here is, that Spain will submit, and that Spain only is the object of the armament. But I hold a very different faith. If Spain submits, give may as well give up her American dominions: for the position advanced here is, that nations have a right to take possession of any territory unoccupied. Now, without noticing the inconsistency between this assertion and those which preceded the war of 1735, when France built Fort Duquesne upon ground unoccupied by British subjects, it cannot escape the most cursory observation, that the British sitting down in the vicinity of the Spanish settlements will establish such a system of contraband traffic, as must ruin the commerce of Cadiz, and the revenue now derived from it by the Spanish monarch. In former letters I have communicated in some measure my ideas upon the second object. I shall not therefore recapitulate them, but only in general notice, that the armament against Spain, should Spain shrink from the contest, will undoubtedly be sent to the Baltic with decisive effect.

You will observe, also, that the ministers count upon the nullity of France, of which I shall say a word presently.

The number of lives taken, a number of Americans were taken, and the applications made for their relief were in some instances ineffectual. On the morning of the 12th Mr. Cutting called to inform me that he was appointed agent to several of the American masters of ships. I gave him my advice as to the best manner of conducting his business, and earnestly urged him to authenticate all the facts by affidavits, and that, if the undertaking should be unsuccessful, I would endeavor to obtain the assistance of such persons as I might be acquainted with. On the 17th Mr. Payne called to tell me, that he had conversed on the same subject with Mr. Burke, who had asked him if there was any minister, consuls, or other agent of the United States, who could properly make application to the Government: to which he had replied in the negative; but said that I was here, who had been a member of Congress, and was therefore the fittest person to step forward. In consequence of what passed thereupon between them, he urged me to take the matter up, which I promised to do. On the 18th I wrote to the Duke of Leedes requesting an interview, to which he replied, that about three o'clock of the next day; but his note was delivered after the hour was passed; and very shortly after it, came another note requesting me an appointment for the 29th.

Upon opening his closet, he apologized for not answering my letters. I told him that I had in my turn an apology to make him for not having difficulties with him an affair on which I was not authorized to speak. He said I had misunderstood one part of his letter to me: for that he certainly meant to express a willingness to enter into a treaty of commerce; replied that, as to my letter, I supposed he would answer it at his leisure, and therefore we would waive the discussion; that my present object was to mention the conduct of their press gangs, who had taken many American seamen,
and had entered American vessels with as little ceremony as those belonging to Britain. "I believe, my Lord, this is the only instance in which we are not treated as aliens." He acknowledged that it was wrong, and would speak to Lord Chatham on the subject. I told him that many disagreeable circumstances had already happened, and that there was reason to expect many more, in a general impression through the British dominions. That masters of vessels, on their return, reported that orders were given for their detention, and that they were often examined at great inconvenience and expense, perhaps occasion very disagreeable events: for you know that, when a wound is but recently healed, "it is easy to rub off the skin." He then repeated his assurances of good will, and expressed an anxious wish to prevent all disagreeable incidents to the interest of merchants and seamen; but, as he found some difficulty in distinguishing between the seaboard of the two countries. I acknowledged the inconveniences to which they might be exposed, and the pretends which might be made to be Americans, and wished therefore that some plan might be adopted, which, founded on good faith, might, at the same time, prevent the concealment of British sailors, and protect the Americans from insult. As a means of ac- counting for these circumstances, I thought it would be proper to send a list of the British vessels which had visited Ameri- ca to our seamen. He seemed much pleased, and willing at once to adopt it; but I desired him to consult first the king's servants in that particular department; and having again reminded him that I spoke without authority, took leave, as I was promised, of writing again the next day.

The morning of the 21st I found him sitting with Mr. Pitt, and was thus presented. The first point we took up was that of the impress. Mr. Pitt expressed his approbation of the plan I had proposed to the Duke, but observed that it was liable to abuse, notwithstanding every precaution which the admiralty offices in America could take. I added that I had observed in an old report of a committee of the House of Commons, which had recommended, for the commercial interest of Britain rather to wink at such abuses: for that, if they should be involved in a war with the House of Bourbon, our commerce with Britain must be in American bottoms, because a war premium of ensur- ance would give a decided preference to the manufactures of other countries in our markets; but that no wages would induce our seamen to come within the British dominions if they were thereby liable to be impressed. Mr. Pitt replied to this, that the degree of risk, and consequently the rate of insurance, must depend upon the kind of war. Not taking any direct notice of this expression, I observed, that notwithstanding the wretched state of the French Government, there still existed much force in that country, and that the power of commanding human labor must also exist somewhere; so that if the Government could not arm their fleets, there would still be many private- ers; and that, in effect, the slenderest naval efforts must involve merchant vessels in considerable danger. Returning then to the consideration of the principal point, we discussed the means of carrying the plan into effect; and for this purpose Mr. Pitt suggested a correspondence between the American seamen, the certificate to that effect in the admiralty in America, containing in it a proper descrip- tion of the person, &c. but without excluding however other evidence; and observed that, in consequence of the com- mercial relations, several countries, and perhaps even the native authority in America, without the aid of the Legislature, by directions to the several admiralities, might carry the plan into effect, as to those relations, at least, were to apply for certificates. I am induced to believe that this measure, if adopted, will not only answer the desired end, but, be productive of other good consequences in America, which I will not now trouble you with the detail of.

Mr. Pitt then added, that the plan was to be submitted to new masters and men, who had not been accustomed to this misap- preciation of the Duke's letter in regard to a treaty of commerce. I answered coolly, that it was easy to rectify this mistake; but it appeared idle to form a new treaty, until the parties should be thoroughly satisfied that already existing. Mr. Pitt then took up the conversation, and said that the delay of compliance on our part had rendered that compliance less effectual, and that cases must certainly exist where great injury had been sustained by the delay. To this I replied, that delay is always a kind of breach, since, as long as it lasts, it is the non-performance of stipula- tions. I proceeded to them a more exact investigation of the question. And first (as I knew them to be pestered with many cases of the kind,) I proposed that should they have suffered, as they were apt to imagine, that they should endeavor what I very believe to be the fact, viz. that the injury was much smaller than was imagined, because, among the various classes of American debtors, those only should be considered who had the ability, and not the will, to pay at that time, and were now deprived of the ability. These I supposed to be not numerous; and as to others, I stated interest as the only criterion of ability, and that, by directions to the several admiralities, might carry the plan into effect, as to those relations, at least, were to apply for certificates.

The second point, I desired him to consider that we in turn complained that the British Government had not, as they ought, paid for the slaves which were taken away. That we felt for the situation they were in, of being obliged either to break faith with slaves whom they had seduced by the offer of freedom, or to violate the stipulations they had made with us upon that subject. That we were willing, therefore, to waive our literal claims, but had every right to insist on compensation; and that it would not be difficult for the planters to shew, that they had sustained an annual loss, from the want of men to cultivate their lands, and thereby produce the means of paying their debts.

Mr. Pitt exclaimed at this, as if it were an exaggerated statement. I at once acknowledged my belief, that, in this, as in all similar cases, there might be some exaggeration on both sides; "but, sir, what I have said tends to shew you a ground in which you may have been deceived, if the parties have kept good faith, and have been united together, all such matters should be kept out of sight, and not made public, as well as the actual situation of things will permit." Mr. Pitt then made many professions of an earnest desire to cultivate the best understanding, &c. &c.

On the whole, he thought it might be best to consider the subject generally, and see if, on general ground, some compensation could not be made mutually. I immediately replied, "if I understand you, Mr. Pitt, you wish to make a new treaty instead of complying with the old one." He admitted this to be in some sort his idea. I said that, even on that ground, I did not see why it could be done, than to perform the old one. "As to the compensa- tion for negroes taken away, it is too trifling an object to you, so that nothing remains but the proposal I suppose, therefore, that you wish to retain those posts." "Why, perhaps we may." "They are not worth the keeping; for it cost you a great deal of money, and produce no benefit. The only reason you can have to desire them is to secure the impression of your power, for that purpose only, the possession of the slaves. I gave him the reasons for this opinion, which I am sure is well founded, but I will not trouble you with them. His answer was well turned. "If you consider these posts as a trivial object, there is the less reason for requiring them." "They are not so, sir; and the keeping them as useless to you. But this matter is to be considered in a different point of light. Those who made the demand, and in exactly these terms, I will not say that it was in precisely the same terms, said, that of the water. It is essential to preserve this boundary if you wish to live in amity with us. Near neighbors are seldom good ones; for the quarrels among borderers frequently bring on wars. It is therefore essential to both parties that you should be able to bring the fact into evidence, and that it should be the subject of public interest, and of the power of both parties to treat. You hold them with the avowed intention of forcing us to comply with such conditions as you may impose."

"Why, sir, as the considerations of national honor, we can retort the observation, and say our honor is concerned in the case of the seamen. No, sir, your natural and proper course is to treat, and to treat on equal terms. We, as a power to treat, told him I had not; and that we could not appoint any person as minister, they had so much neglected the former appointment. He asked me whether we would appoint a minister if they would. I told him I could not do so, as he was not authorized to give me that assurance. He then desired to know how to communicate on this subject. I told him that some time might be unnecessarily consumed by reason of the distance and uncertainty of communication, it would perhaps be expedient for them to appoint a minister, and delay his departure until you should have made a similar appointment. Mr. Pitt said they might communicate to you their intention to appoint, &c. I told him that his communication might encounter some little difficulties, because you could not properly hear any thing from the British Consuls, those being characters unacknowledged in America. His pride was a little touched at this. "I should suppose, Mr. Morris, that attention might as well be
GREAT BRITAIN.

1791.]

payed to what they say, as that the Duke of Leeds and I should hold the present conversation with you." By no means; sir: I never should have thought of asking a conference with his grace, if I had not possessed a letter from the President of the United States to the Lord, and I expected, from your letter, that you had communicated to Mr. Pitt. He had. Mr. Pitt said they could say in like manner write a letter to one of their Consuls. Yes, sir, and the letter will be attended to, but not the Consul, who is in no respect different from any other British subject; and this is the circumstance which I wished you to attend to;" he said, in reply to this, that etiquette ought not to be pushed so far as to injure business, and to keep the countries asunder. I assured him that the rulers of America had too much understanding to care for etiquette, but prayed him at the same time to recollect, that they (the British) had hitherto kept us at a distance instead of making advances. That you had gone quite as far as you were entitled to go, and as far as you could be expected, in the matter that had passed in consequence of it, and which (as he might naturally suppose) I had transmitted, we could not but consider them as wishing to avoid an intercourse. He took up this point, and expressed again his hope that I would remove such an idea, assuring me that they were disposed to cultivate a connexion, &c. To this I replied, that any written communication which this grace of Leeds might make, should be duly transmitted; but I did not like to receive too much breastwork, because it might be misconceived, and disagreeable questions afterwards arise; whereas, written things themselves, and speak for themselves. They agreed to the propriety of this sentiment. I observed further, that our disposition towards a good understanding was evidenced, not only by your letter, but also by the decision of a majority of the House of Representatives against laying extraordinary restrictions on British vessels in our ports. Mr. Pitt said, that, instead of restrictions, we ought to give them particular privileges in return for those which we enjoy here. I assured him that I knew of none except that of being impressed—a privilege which of all others we least wished to partake of. The Duke of Leeds observed, in the same degree of justice, that we were at least treated in that respect as the most favored nation, seeing that we were treated like ourselves. But Mr. Pitt said, seriously, that they had certainly evidenced good will towards us, by what they had done respecting our commerce. I replied, therefore, with like seriousness, that their regulations had been dictated by a view to their own interest, and, therefore, as we felt no favor, we owed no obligation. The subject being now pretty well exhausted, they promised to consult together, and give me the result of their deliberations. This I am yet to receive; but I learn that Mr. Grenville has this day consulted some persons skilled in the far trade, and that, from his conversation, it seemed probable that they would give the ports the necessary information is to.

I have already said that the ministers here count upon the nullity of France. They do not, however, expect that she will violate her treaty with Spain, and therefore they are rather, I believe, in hopes, that Spain will submit to such regulations as may impose. How far they may be bound to aid Prussia, secondly yet to be doubtful; but, for my own part, I believe that a war is inevitable, and I act on that ground. If it does not take place, they will desire such things of us, in a treaty of commerce, as we shall not be disposed to grant; but, if it does happen, then they will give us a good price for our neutrality; and Spain I think will do so too; wherefore this appears to be a favor for us, and for Ministers of the Mississippi.

Before I close this letter, already too long, I must entreat permission to make one or two explanatory observations. It is evident that the conduct of this Government towards us, from the time of my first interview with the Dutch Vice-Admiral, has been intended or peed with the neighboring Powers; and they have kept things in suspense accordingly. When, therefore, they employ a little leverage, it proved to me their apprehension of a rupture. I have some reason to think that they are in greater danger than they are themselves aware of; and I have much cause to suspect that they meditate a blow in Flanders, in which it is not improbable that they will be foiled and discomfited, by their own munitions. It only remained to square my conduct and conversation accordingly. And here you will consider that the characteristic of this nation is pride; whence it follows, that, if they are brought to sacrifice a little of their self-importance, they will readily add some other sacrifices. I kept, therefore, a little aloof, and did not, as I might have done, obtain an assurance that they would appoint a minister if you would. On the contrary, it now stands on such ground that they must write a letter making the first advance, which you of course will be in possession of; and to that effect I warned them against sending a message by one of their consuls.

With perfect respect, &c.

GOUVERNEUR MORRIS.

P. S. May 30th. It is utterly impossible for me to copy the letters which I intended to enclose. It is now near one o'clock in the morning, and Mr. Williams sets off at eleven.

To GEORGE WASHINGTON, Esq.
President of the United States.

LONDON, September 10, 1790.

My LORD: At the close of a conversation with your grace and the right honorable Mr. Pitt, on the 21st of May last, I was told that you would confer together, and transmit a reply to the letter which I had the honor of addressing to your grace on the 30th of April. In expectation of that reply I have patiently waited in this city to the present hour, though called by many affairs to the continent; but my departure cannot be much longer delayed, and therefore it becomes incumbent on me to return your grace's letter.

I was led to believe, my Lord, that a friendly connexion might have taken place between this country and that of which I have the honor to be a citizen. How far it might be useful to Great Britain I presume not to conjecture, being perfectly convinced, from the wisdom and extensive information of his Majesty's ministers, that the best rule for private judgment must be derived from their conduct. But, my Lord, I candidly own, that such connexion appears to be of great consequence to America, and therefore the hope of becoming instrumental to the accomplishment of it was most pleasing; nor am I ashamed to avow my concern at the disappointment.

Your grace will readily recollect the purport of that letter which I did you the honor to write on the 28th of April, and that mine of the 30th entreated a communication of the sentiments of that redress which his Majesty's ministers expected upon the specific points of the treaty of peace, and the kind and measure of compensation they would require in case (as had been supposed) the specific performance on our part were now impracticable. Months have elapsed since, and parted with the hope of seeing so important an event as a determination to withhold performance, unless upon certain conditions, the communication of which is withheld, might be construed into unconditional refusal. Your personal integrity and honor, my Lord, the acknowledged justice of his Majesty's government, the pride of his Majesty's government—I can say that the honor of me from harboring that idea; but it may perhaps be entertained by my countrymen; and, if it should, it may lead to measures which, though not intended to the two nations to seek, rather the means of reciprocal injury, than of mutual advantage. I humbly hope that this may never happen. The sentiment of America has long been conciliatory, and I feel impossible satisfaction if your grace would possess me by the humiliation of any activity to her friendly dispositions.

With perfect respect, &c.

GOUVERNEUR MORRIS.

To his grace the Duke of Leeds,
His Majesty's Principal Secretary of State for Foreign Affairs.

WHITEHALL, September 10, 1790.

Sir: I have just received the honor of your letter of this day's date. I well remember the nature of the conversation you allude to, as well as the particular points upon which the two countries mutually complain of a non-ob-
FOREIGN RELATIONS.

[1794]

The nation assembled of France have also adopted, as a national compact, the old family compact with Spain; and they are arming as fast as their disjunct condition will admit. At the same time, the general opinion of this country seemed to be, that the ministry would obtain very honorable terms from Spain; whereas, the ministers themselves were (as I believe) much embarrassed as to the line of conduct which they should pursue. To support the high tone in which they first opened, would probably bring on a bloody war for an empty sound. To recede, would expose them to severe annihilation at home, and a loss of reputation abroad. These circumstances appearing to me favorably to the one, and against the other, it was concluded not to operate upon an administration which I believed to be divided in regard to America, and a sovereign who hates the Warrens, and, while defending his piety and moral fame secondly, it was intended as a ground of future justification for any measures which Congress might think proper to adopt and, thirdly, it had, I own, a special view to the nature of this government and people. It is much to be desired, I am sure, I believe it, that the commercial men find any ground of complaint, it will make them the easier to rectify their mistake, as to give us considerable advantages. In answer to this letter, I received that of which No. 2 is a copy. This was written in my own hand writing, and as it is said therein to be not ministerial but confidential, we must so consider it. Consequently, it is not a public paper. The inference to be drawn from it is, that the council could not agree, as soon as the answer was to be given. Hence I concluded, that those who, pursuing the true interests of Great Britain, wish to be on the best terms with America, are outnumbered by those whose sour prejudices and hot resentments render them always in a position to be, the commiseration of their islands, or not to know America. Perhaps America does not yet know herself. They believe that British credit is essential to our commerce. Useful it certainly is at present; but let our public credit be well established and supported, and in a very few years our commercial resources will astonish the whole. We are yet but in the seed time of national prosperity, it will not be soon that the crop before it is gathered. Excuse, I pray, sir, this digression. The matter of it is not wholly inapplicable.

A copy of my answer to the Duke, and of his reply, are in the papers No. 3 and 4. In consequence of the latter, I was desired to inform him, that if he would deliver the 15th to me, I should with the greater willing accept of it. I waited therefore for him to begin the conversation, which he did, by saying that he understood I was going to America. I told him that he had mistaken my letter; for that, by the continent, I meant the continent of Europe. After some pause, he said that he hoped soon to fix upon a minister to America; that they had a person in mind, a minister, who was not, however, so lately on the continent, as I did not ask who it was. After a further pause, he said that, in order to save time, and obviate difficulties, the intention was to send over a gentleman with a common letter of recommendation, but having letters of credentials in his pocket. I expressed my perfect approbation of this expedient. He told me, that he was earnestly desirous of a real bona fide connexion, not merely by the words of a treaty, but in reality. I met these by similar professions, but took care to confine them to a commercial intercourse, for mutual benefit, on liberal terms. He told me that, as to the two points of the treaty, there were still difficulties. He wished they could be got out of the way. He then hesitated a little, and dropped the conversation. Having these reflections, I told him farther, that I did not presume to judge of the great circle of European politics, but, according to my limited comprehension, I was led to suppose that they could not act with the same decisive energy towards their neighbors while they doubted of our conduct. He said I was perfectly right, and he said so in a manner which showed that this had been urged and felt during the late negotiations. I proceeded, that the apprehensions and suspicions were well founded, and it was not a question of doubt as to the policy of the measure, and others from private reasons; and he must see that holding those posts would form an argument for one, and a pretext for the other. Finding that he felt this, I added that their conduct in this respect, gave serious alarm to reasonable men. Some believed their design was to deprive us of our share in the fact of it, and he seemed from his manner that the same thing had been represented before, but not in such strong colors. I observed that those responsible for which we had a right to give in our own ports, and those restrictions which we had a right to impose, would have a more extensive operation; assured him of my sincere belief, that their exclusive system, as far as it related to the points of commerce, was not founded upon any necessity, but a mere tendency to secure that that was to increase; because, if we met them on equal ground of restriction, they would lose more in one way than they gained in another. That they had many large ships employed in carrying the single article of tobacco; and they had no other navigation act to modify them. The navigation act was the more wool, and so of other things. I thought I could perceive that considerations like these had already given them some alarm; I therefore said that I supposed his people had transmitted information of the attempts made in Congress to adopt such regulations. He said they had. I observed that not having yet received the letters since I left Paris, I could not be sure that I had heard of such a treaty. That doubts there were many persons in this country, who, to gratify the resentment occasioned by losses or disappointments in the American war, would be glad to general a state of commercial hostility, but this would prove, perhaps, a losing game to both. He really thought it would be. Having gone as far in that line as was useful, I took a short turn in my mind, and said I had thought it would be. Having gone as far in that line as was useful, I took a short turn in my mind, and said I had thought it would be.
supposed they would naturally square their conduct towards us by their position in respect to other nations. I made this observation to the Secretary of State, but immediately fixing my eye upon him, I showed that it was exactly the circumstance they had wished to conceal. I added that, finding the northern courts were now at peace, and supposing they had come to their final decisions with respect to the house of Bourbon, I thought it probable that they were prepared to speak definitively to us also. Here I waited for his answer, which indeed I did not expect to receive. He was pretty sufficiently embarrassed, and from his look and manner, I collected quite as much as he was willing to communicate. After some little sayings of no consequence, he asked me what the United States would think of the unqualified claim of Spain to America. Having no objection to take that information from his questions, which could not be drawn forth in his answers, I told him that it would make no impression on my mind. That the Spaniards being in fact apprehensive of danger from us, were disposed to make sacrifices for our friendship. That the navigation of the Mississippi, hitherto the bone of contention, was, I believed, given up already, or would soon be so; and as for their claims, they never could affect us, and therefore we did not care any thing about them. That their reason for withholding that navigation hitherto, was the fear of contraband trade; and for the same reason they must, in my opinion, sacrifice the last man and last shilling upon the question about Nootka Sound. He said he had always thought the danger of contraband ought to be considered in dealing on this subject, for that nations, like individuals, ought to treat with candor and honesty. We had a good deal of conversation on that and of other topics, in which mercury was not directly concerned, and then I told him that, if they came to any determination in regard to us speedily, I should wish to be apprised of it. He assured me that I should, and offered to make his communications to you through me, and for that purpose address his letters to me in Paris; because as you had been in communication in a former letter, I thought it best to decline this offer, and therefore observed that his own packets would give him a speedier and more certain means of conveyance. I then took my leave.

I have troubled you, sir, with the leading features of this conversation, that you might the better judge of the conclusions I draw from it. I think the cabinet is divided on the question of war or peace. If France appeared strong enough to excuse a retrograde maneuver, I believe they would discover all at once that Spain has better reasons to urge than they had been before apprised of; and therefore, on principles of justice, and having received the strongest assurances of brotherly love from the Catholic King, the Defender of the Faith would disarm. His ministers would not, either, be satisfied with us at present, unless they could see their way to offensive and defensive alliance, which we shall be in no hurry to contract. Should war break out, the anti-American party will, I believe, agree, with us. For there is no measure of opinion which is more certain to make any impression on the American mind, than that which is the strongest of opinion which is more certain to make any impression on the American mind, than that which is the strongest of all measures, that is, to produce war. For it is more the taste of the medicine which they nauseate, than the size of the dose. Mr. Pitt, I believe, wishes a continuance of peace. Observe that he is neither the Queen's man than the King's, and that, since his Majesty's illness, she has been of great consequence. This depends in part on a medical reason. To prevent the relapse of persons who have been mad, they must be kept in constant awe of somebody, and it is said that the physician of the King gave the mandate in charge to his royal consort, who performs that, like every other part of her conjugal duty, with singular zeal. Let there be an allusion of his entire confidence, wish (it is said) for war, which gives, you know, great patronage, and by the increase of taxation must increase the influence and power of the crown. The King and his friends are also violently indisposed to America.

Things being so situated, and having business on the continent, I shall leave this city in a few days, and shall perhaps write another letter on the intimations to the Duke of Leeds before I go. I intend to write such a letter to you, on the whole business, as may, in case of need, be laid before the Legislature, and consequently before the public. I long since expressed my opinion to you, sir, that the appearances of prosperity here were fullacious. In nothing are they more so than in the affairs of the Indian company, which are deplorably bad; and they are now engaged in a war with Tippo Tipoo, which, terminate it they must, make them worse.

It is time to close this lengthy epistle. Let me, therefore, entreat you to receive the assurances, &c.

GOVJN.EUR MORRIS.

To GEORGE WASHINGTON, Esq.
President of the United States of America.

1st Congress.] No. 51. [3d Session.

PORTUGAL.

Message from the President of the United States on the appointment of a Minister at the Court of Lisbon.

Gentlemen of the Senate:

The aspect of affairs in Europe during the last summer, and especially between Spain and England, gave reason to expect a favorable occasion for pressing to accommodation the unsettled matters between them and us. Mr. Carmichael, our chargé des affaires at Madrid, having been long absent from his country, great changes having taken place in our circumstances and sentiments during that interval, it was thought expedient to send some person in a private character, fully acquainted with the present state of things here, to be the bearer of written and confidential instructions to him, and, at the same time, to possess him, in full and frequent conversations, of all those details of facts and topics of argument which could not be conveyed in writing, but which would be necessary to enable him to meet the reasons of that court with advantage. Colonel David Humphreys was therefore sent for these purposes.

An additional motive for this confidential mission arose in the same quarter. The court of Lisbon had, on several occasions, made the most amicable advances for cultivating friendship and intercourse with the United States. The exchange of a diplomatic character had been wholly abandoned, but repeatedly suggested on their part. It was our interest to meet this nation in its friendly dispositions, and to concur in the exchange proposed. But my wish was, at the same time, that the character to be exchanged should be of the lowest and most economical grade. To this, it was known that certain rules of long standing at that court would produce obstacles. Colonel Humphreys was charged with despatches to the prime minister of Portugal, and with instructions to endeavor to arrange this question.

It happened, however, that previous to his arrival at Lisbon, the Queen had appointed a minister resident to the United States. This embarrassment seems to have rendered the difficulty completely insurmountable. The minister of that court, in his conferences with Colonel Humphreys, professing every wish to accommodate, yet expresses his regrets that circumstances do not permit them to concur in the grade of chargé des affaires—a grade of little privilege or respectability by the rules of their court, and held in so low estimation with them, that no proper character would accept it. The minister gives me to understand that he expresses the same sentiments, and announces the appointment, on their part, of a minister plenipotentiary to the United States. I shall therefore receive one from us at her court. A copy of his letter, and also of Colonel Humphrey's, giving the details of this transaction, will be delivered to you.

On consideration of all circumstances, I have determined to accede to the desire of the court of Lisbon, in the article of grade. I am aware that the consequences will not end here, and that this is not the only instance in which
a like change may be pressed. But should it be necessary to yield elsewhere also, I shall think it, a less evil than to disgust a government so friendly and so interesting to us, as that of Portugal. I do not mean that the change of grade shall render the mission more expensive.

I have, therefore, nominated David Humphreys minister resident from the United States to her Most Faithful Majesty the Queen of Portugal.

United States, Feb. 18, 1791.

GEO. WASHINGTON.

1st Congress.

No. 52. [3d Session.

GREAT BRITAIN.

Report of a Committee on the subject of our Commercial Relations with Great Britain, made to the House of Representa- tives, February 21, 1791.

The committee to whom was referred the message of the President of the United States of the 14th instant, [ante. No. 50] on the subject of our commercial relations with Great Britain, made the following report:

That, after the—day of—no goods, wares, or merchandise, of foreign growth or manufacture, shall be imported into the United States, except in vessels of the United States, or in such as actually belong to the country or place of which such goods, wares, or merchandise are, or may be, the growth, product, or manufacture, or in the ships or vessels of such country or place to which the ships or vessels of the United States shall be permitted to carry goods, wares, and merchandise, which are not of the growth, product, or manufacture, of the United States.

And if any goods, wares, or merchandise, of foreign growth or manufacture, more than shall be necessary for sea stores, shall, after the said—day of—be imported into the United States, in any other manner than is herein before provided, all such goods, wares, and merchandise, and the ships and vessels in which the same shall be imported, together with their tackle and apparel, shall be seized and forfeited to the use of the United States, and shall be recovered and sold, and the proceeds accounted for, and applied in the manner provided for forfeitures, by the act, entitled "An act—"

That there shall be levied, collected, and paid, upon all rum, which, after the—day of—shall be imported into the United States, (ever and above the duties now payable on distilled spirits) a duty of one cent per gallon, and upon all distilled spirits, the produce or manufacture of any country or place at which the ships or vessels of the United States are not permitted to load such distilled spirits, and which shall be imported into the United States after the—day of—a further additional duty of twelve and a half cents per gallon, on such as shall not be more than ten per cent. below proof, according to Ducas’ hydrometer, and in like proportion for all other distilled spirits, whether imported directly from thence, or from any other country or place, in any ship or vessel other than those of the United States; which duties shall be levied, collected, and paid, in like manner, subject to the like regulations and drawbacks, as is provided by the act, entitled "An act—"

And in order to ascertain the country or place at which spirits, imported after the—day of—shall have been distilled, it shall be the duty of the importer or importers thereof, in other than ships or vessels of the United States, to make proof, to the satisfaction of the officers of the customs with whom entry of any distilled spirits shall be made, that the same were distilled in some country or place at which the ships or vessels of the United States are permitted to load like spirits; in default of which proof, all such spirits shall be liable to the payment of the aforesaid duty of twelve and a half cents per gallon.

1st Congress.

No. 53. [3d Session.

ALGIERS AND MOROCCO.

Message of the President of the United States relative to the ransom of Prisoners, &c.

United States, February 29th, 1791.

Gentlemen of the Senate:

I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the first instant, so soon as the moneys necessary shall be appropriated by the Legislature, and shall be in readiness.

The recognition of our treaty with the new Emperor of Moroco requires also previous appropriation and provision; the importance of this last to the liberty and property of our citizens, induces me to urge it on your earliest attention.

GEO. WASHINGTON.

The resolution referred to is as follows:

Resolved, That the Senate advise and consent that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States, now in captivity at Algiers: Provided, the expense shall not exceed forty thousand dollars; and also, that measures be taken to confirm the treaty now existing between the United States and the Emperor of Moroco.
PRISONERS AT ALGIERS.

Letter from the Secretary of State in relation to the Prisoners at Algiers.

PHILADELPHIA, December 9, 1819.

SIR:

The enclosed information, relative to ransom and peace with the Algerines, being newly come to hand, I take the liberty of communicating it to you, and through you to the Senate. It concurs in some facts and opinions with what I had before communicated through other channels, and differs in some others, so as, on the whole, to leave us still in considerable uncertainty as to interesting points.

I have the honor to be, with sentiments of the most perfect respect, sir,
Your most obedient and most humble servant,

TH. JEFFERSON.

The Vice President of the U. S. President of the Senate.

MOST HONORED SIRS:

It affords the Americans in captivity some consolation to hear that his excellency the President has drawn the attention of Congress towards Barbary affairs, and to consider of the decrease of American commerce to the Mediterranean.

One of your most unfortunate subjects takes the liberty of humbly submitting to your consideration the following particulars on Barbary affairs.

In December last, the Philanthropic Society sent orders to Europe to try for a peace with this regency; these orders came to Monsieur Catalan, of Marseilles, who commissioned Monsieur Parnet, a French merchant in Algiers, and agent for the chamber of commerce, Marseilles. Monsieur Parnet, made application to the Dey and ministry on this important subject, but was not enabled to obtain any answer of importance until the 18th of December, when he immediately despatched a vessel for Marseilles. Monsieur Parnet was authorized by his orders to treat for the ransom of the Americans; but as our redemption had been ascertained the 7th of last July, by Abraham Bushara and Dinnino, for the sum of 17,325 Algerine sequins, nearly equal to 34,450 Spanish dollars, Monsieur Parnet could only return for answer, that our ransom was finally ascertained, and is so recorded by the regency at the above sum. Monsieur Parnet informed me that his orders relating to the peace did not authorize him to make the ministry any promises for them to use their influence with the Dey: for, if he made any promises, he must fulfill them, and by his not being fully empowered, he could not take the proper channel for laying the foundation of the peace, and that the Dey was convinced that, when the Americans made good their agreement of the 7th last July, that then he would consider of the peace.

I take the liberty, honored sirs, to observe, that there is no doing any business of importance in this country, without first palming the ministry; and by taking this proper channel, be assured, honored sirs, that there is no greater favor to any party, than to take hold of the ministry.

I take the liberty of explaining that the Algerines had great reason to think that the Americans considered them in a very singular light, by sending orders, three different times, relative to ascertaining our ransom and affairs that had been fixed on a few months past; then to empower Monsieur Parnet, supposing the Algerines would lower their price, or deviate, in any respect, from the agreement made with Bushara and Dinnino.

Be assured, honored sirs, that Monsieur Parnet found this to be a very delicate subject to treat of, and by what I now hint to you, honored sirs, your superior wisdom will perceive the impropriety of any further propositions relative to ascertaining our ransom.

The prime minister sent to me, and desired that, when I wrote my country, to write, that, if the Americans did not keep to their words on affairs so trifling as that of our release, that there was no great dependence to be put in America, in affairs of more importance, alluding to the peace. Be assured, honored sirs, that the prime minister is a man to the Algerines as the only one of the Algerine ministry that counseled Mr. Lamb, in 1786.

Messrs. Bulkley and company, of Lisbon, through humane motives, writing to Mr. James Simpson, at Gibraltar, and Mr. Simpson, supposing the orders originated in Congress, wrote to Bushara and Dinnino, to have our redemption ascertained with the regency; so that, if ever we are to be redeemed, it must be through the channel of Bushara and Dinnino, as the Dey, in his answer to Monsieur Parnet, signified fully as much, and as they are Algerine subjects, the Dey and ministry of course will determine the affair in their favor.

At present, there are but 700 Christian slaves in Algiers, and the two-thirds of these are deserters from the Spanish garrison of Oran; and as the captives are much wanted to do the public work, the regency does not seem inclined to permit slaves to be redeemed on any terms: for without the slaves, those people could not well fit out their cruisers.

In 1786, there were three thousand Christian slaves in Algiers; but the Spaniards, Neapolitans, and other nations, redeeming their people, and the pestilential storms of mortality, which happened in this city in 1787 & 8, which carried off nine hundred Christian captives,—amongst this number were six Americans,—our redemption is but trifling higher than the terms on which the Spaniards and other nations redeemed their people; and, since those redemptions and the pest, the price of slaves is continually rising.

Those lads that are pages to the Dey, were solicited to turn Mahometans, but they would not, which makes their prices somewhat exorbitant.

When I consider the fatal consequences that would happen to America, if the Portuguese should make a peace with this regency, the great impression on me of any thing whatsoever that can possibly occur to a patriotic mind; and although at present the Portuguese keep up a fleet of cruisers to protect their own commerce, yet experience shews (by Spain) that they may be negotiating a peace underhand.

Since my captivity, the Portuguese have made two attempts to try to obtain a peace, and fortunate (thank God) for America they did not succeed. Should they succeed, America would be put to a vast expense to build and fit out eight or ten cruisers; and to keep this squadron in Europe for a few years, would be attended with a vast expense, which America could not well afford. Should the Portuguese make a peace, and America to abandon the Straits, or a commerce with the Algerines, America would be cut off from a commerce which is very near one thousand dollars a year to America and England; the commerce between the two last-mentioned countries would be cut off, and the commerce into the Barbary States would be much reduced, rendering that country an object of little importance to America.

The cruise, would cost as much as the Western Islands, and, by encountering with the navigation that the ship, would be inclined to go on to the coasts of America; then, honored sirs, what would be the fatal consequences?—or is it well known that there are, and it is in vain to be deprived by being at war with the Barbary States; but, by being at peace, many advantages, and extended and beneficial commerce. It has cost Spain full four and a half millions of dollars to make their peace, and redeem their people; notwithstanding Spain acted something wisely not to be the dupe of all the commercial nations of Europe.

Honored sirs, in my opinion, the United States may obtain a peace with this regency for fifty or sixty thousand pounds sterling, all expenses included; that is, if the affair is well managed; and with Tunais for fifteen thousand pounds sterling.

In making peace with Algiers, there should be a provisional article relative to Tunais, as ‘Tunis is a tributary State to this regency, and under its influence.
FOREIGN RELATIONS. [1792.

Instead of America giving a sum of money for the peace, I believe this regency would find it to their interest to take, in lieu, maritime stores, masts, yards, plank, tar, pitch, turpentine, scutlings, for constructing cruisers; and, by giving maritime stores, I believe the peace would not cost America twenty thousand pounds stiver. Or to purchase one hundred and fifty or two hundred passports of the regency, at a certain fixed price; and, for these, to pay, in the course of every two years; and those that wanted those passports, that traded to Europe, to purchase them of the Government, so that the passports would defray the expenses incurred in obtaining the peace, which, frequently, these four years, had some hints on these subjects communicated to the Algerine ministry, and had favorable answers, which I wrote to the American ambassadors in Europe.

The present time is favorable for America to try for the peace; and I further take the liberty, honored sirs, to observe, that those nations, the Dutch, Danes, Swedes, and Venetians, that pay a tribute annually, that their peace is on a more solid and lasting basis than those nations that give large sums for making the peace, and not to be tributary; for it is the annual tribute those nations pay the Aligrines is the bait that secures their peace, and not any sentiment of national honor or regard to treaties, but for their own interest in being supplied with naval and military stores.

Most honored sirs, we hope you will consider what our sufferings must have been in this country, during that trying period, and endeavor to try your interest to the best advantage. We give such peace now below ninety; the 130,000 sum, I think, that 150,000 might suffice, the agents employed exerting themselves of course to reduce it as much as possible, for the interest of their employers. He seems to be persuaded there is no other mode of succeeding but this, which he agrees in subject to objections, arising from the great confidence necessary to be placed in the agents employed. He adds, also, that the character and dispositions of the present Day are much more liberal than those of the last, and of consequence that the favorable moment for the United States to make a permanent arrangement with that regency for the safety of their flag, this negotiation, he thinks, should be carried on in the same manner with the other. He cannot, however, form a conjecture of what that would cost.

If we are led by a deal of an accidental conversation also lately with M. Puget, who has the direction of the consular department in the marine. He is, I believe, known to you, and is a man of a good reputation and understanding, and is particularly acquainted with the relations between this country and the Barbary Powers. He insists that France pays no tribute to the Day of Algiers, nor England, nor Spain. He agrees that Holland (I think) and some others do; and says that the difference is perfectly understood, at Algiers, between nations that are tributary and those that are not; and also, that all Christian Powers are obliged to make pecuniary sacrifices to secure peace there. Those of France consist, 1st. In the establishment of a consul at Algiers, whose salary and expenses amount to nearly 25,000 livres tournois per annum; and 2d. in presents which are made from time to time to the officers of government, in order to settle differences which accidentally arise between French vessels or citizens and the cruisers or regency of Algiers. These amount to from 70 to 80,000 livres tournois annually, and are, as he assures me, the only expenses paid regularly. The large sums which I mentioned to you, some time ago, to have been paid by M. de Somenville, for the renewal of the treaty, he denies altogether to have been paid for that purpose, or to have been as considerable as I supposed them. He says they were to satisfy the regency for a vessel they lost on the coast of France, and also for one delivered up to Naples, after having been taken by an Algerine cruiser.

M. Puget says, the United States would be wrong to put themselves on the footing of a tributary Power, as it ensures more contempt than safety at Algiers. He supposes their consular establishment, and annual accidental presents, would cost, as much as those stated above for France, notwithstanding their commerce is so much more inconsiderable as this would not be calculated by the officers of the Regency. He does not know to what amount present of money is necessary for settling the peace in the beginning; or some honorary expenses, to which France and other European Powers are sometimes subjected, from which the United States would be exempted: such as, at present, the furnishing a vessel to carry the new Day's ambassador to Constantinople to obtain the investiture, &c. This mark of distinction is accorded to France, and is considered as a proof of the Day's favorable dispositions to this country.

Should it be possible to obtain a peace of Algiers, it would be of little service without one could be secured also with Tunis and Tripoli, each of which would cost the same to the United States. The establishment at Tunis costs not to France, as there is much more of the particular trade, and, of course, there is less at Algiers.

I observed to M. Puget, that such Powers as were at peace with these piratical States, would probably put as many obstacles as possible in the way of others obtaining it, and that the United States might perhaps meet with some difficulties on that account. He agreed that this policy did prevail. He thought, however, that France would, in the new order of things, abandon it, in order to assist the United States to obtain a peace. He added, that he did not see how our free entrance into the Mediterranean could be against the interests of France, as we were not a carrying Power, and said, that for his part, so far as it depended on him, he would certainly contribute all in his power to serve the United States in this instance. I have thought it well to communicate these things to you, that you might judge how far they deserve weight in an attempt to redeem our unhappy captives, or to secure a permanent peace.

2d CONGRESS. No. 55. [1st SESSION.]

SPAIN.

Message from the President of the United States nominating Commissioners Plenipotentiary, &c.

Gentlemen of the Senate:

I lay before you the following report; which was made to me by the Secretary of State:

The Secretary of State reports to the President of the United States, that one of the commissioners of Spain, in the name of both, has lately communicated to him verbally, by order of his court, that his Catholic Majesty, apprised
of our solicitude to have some arrangements made respecting our free navigation of the river Mississippi, and the use of a port thereon, is ready to enter into treaty thereon at Madrid.

The Secretary of State is of opinion, that this overture should be attended to without delay, and that the proposal of treating at Madrid, though not what might have been desired, should yet be accepted; and a commission plenipotentiary made out for the purpose.

That Mr. Carmichael, the present chargé des affaires of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the commission; but that it would be useful also to join with him some person more particularly acquainted with the circumstances of the navigation to be treated of.

That the fund appropriated by the act providing the means of intercourse between the United States and foreign nations, will insufficiently furnish the ordinary and regular demands on it, and is consequently inadequate to the mission of an additional commissioner express from hence.

That, therefore, it will be advisable on this account, as well as for the sake of dispatch, to constitute some one of the ministers of the United States in Europe, jointly with Mr. Carmichael, commissioners plenipotentiary for the special purpose of negotiating and concluding, with any person or persons duly authorized by his Catholic Majesty, a convention or treaty for the free navigation of the river Mississippi by the citizens of the United States, under such accommodations with respect to a port and other circumstances as may render the said navigation practicable, useful, and free, from dispute; saving to the President and Senate their respective rights as to the ratification of the same; and that the said negotiation be at Madrid or such other place in Spain as shall be desired by his Catholic Majesty.

December 23d, 1791.

TH: JEFFERSON.

Gentlemen of the Senate:

In consequence of the communication from the court of Spain, as stated in the preceding report, I nominate William Carmichael, present chargé des affaires of the United States at Madrid, and William Short, present chargé des affaires of the United States at Paris, to be commissioners plenipotentiary for negotiating and concluding, with any person or persons who shall be duly authorized by his Catholic Majesty, a convention or treaty concerning the navigation of the river Mississippi by the citizens of the United States; saving to the President and Senate their respective rights as to the ratification of the same.

GEORGE WASHINGTON.

2d CONGRESS.] No. 56. [1st Session.

IMMUNIZED AMERICAN SEAMEN.

Message from the President of the United States in relation to the expense of liberating impressed American Seamen.

Gentlemen of the Senate;

and of the House of Representatives:

An article of expense having occurred in the department of foreign affairs, for which no provision has been made by law, I lay before you a letter from the Secretary of State, explaining the same, in order that you may do thereon what you shall find to be right.

GEORGE WASHINGTON.

United States, February 8th, 1792.

Philadelphia, February 7th, 1792.

SIR: An account presented to me by Mr. John B. Cutting, for expenditures incurred by him in liberating the seamen of the United States in British ports, during the impressments which took place under that Government in the year 1790, obliges me to recall some former transactions to your mind.

You will be pleased to recollect the numerous instances of complaint or information to us, about that time, of the violence committed on our seafaring citizens in British ports by their press gangs and officers; and that, not having even a consul there at that time, it was thought fortunate that a private citizen, who happened to be on the spot, stepped forward for their protection; that it was obvious that these excursions on his part must be attended with expense and that a particular demand of £30 sterling for this purpose coming incidentally to my knowledge, it was immediately referred to Mr. Cutting, with a request to account for it in convenient time. He now presents an account of all his expenditures in this business, which I have the honor to communicate herewith. According to this, the oppression extends to a much greater number of our citizens, and their relief is more costly than had been contemplated. It will be necessary to lay the account before the Legislature; because, the expenses being of a description which had not occurred before, no appropriation heretofore made would authorize payment at the treasury; because, too, the nature of the transactions may in some instances require justly, that the ordinary rules of evidence which the auditor is bound to apply to ordinary cases, should suffer relaxations, which he probably will not think himself authorized to admit, without the orders of the Legislature.

The practice in Great Britain of impressing seamen whenever war is apprehended, will fall more heavily on ours, than on those of any other foreign nation, on account of the sameness of language. Our minister at that court, therefore, will, on those occasions, be under the necessity of interfering for their protection, in a way which will call for expense. It is desirable that these expenses should be reduced to certain rules, as far as the nature of the case will admit, and the sooner they are so reduced the better. This may be done, however, on surer grounds, after the Government of Great Britain shall have entered with us into those arrangements on this particular subject, which the seriousness of the case calls for on our part, and its difficulty may admit on theirs. This done, it will be desirable that legislative rules be framed, which may equally guide and justify the proceedings of our minister, or other agent, at that court, and at the same time extend to our seafaring citizens the protection of which they have so much need.

Mr. Cutting, being on the spot, will himself furnish the explanations and documents of his case, either to the Legislature, or a committee of it, or to the Auditor, as he shall be required.

I have the honor to be, with sentiments of the most perfect esteem and respect,

Sir, your most obedient,

The President of the United States.

And most humble servant,

TH: JEFFERSON.
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<tr>
<td>June 19th</td>
<td>To cash paid for forwarding reports on my memorials, in behalf of impressed American seamen, Sterling £ 30 0 0</td>
<td>85 0 0</td>
<td>226 67</td>
<td>Feb. 12th.</td>
<td>85 0 0</td>
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<td>July 11th</td>
<td>To cash paid for do. Exchange a 170 for £ sterling do. 85 0 0</td>
<td>85 0 0</td>
<td>226 67</td>
<td>By interest on ditto, from the 12th of February, 1791, to the 30th January, 1792, eleven months sixteen days, at six per cent, 4 18 4</td>
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<td>July 31st</td>
<td>To cash paid for do. Exchange a 170 for do. 85 0 0</td>
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<td>Aug. 13th</td>
<td>To do. paid for do. Exchange a 170 for do. 85 0 0</td>
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<td>Aug. 17th</td>
<td>To do. paid for do. Exchange at 170 for do. 170 0 0</td>
<td>170 0 0</td>
<td>453 33</td>
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<td>Sept. 9th</td>
<td>To do. paid for do. Exchange at 170 for do. 72 5 0</td>
<td>72 5 0</td>
<td>192 67</td>
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<td>Sept. 10th</td>
<td>To do. paid for six cutlasses, for do. Exchange a 170, for do. 11 1 0</td>
<td>11 1 0</td>
<td>29 47</td>
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<td>Sept. 29th</td>
<td>To do. paid on account of do. Exchange a 170 for do. 391 0 0</td>
<td>391 0 0</td>
<td>1,042 67</td>
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<td>Oct. 13th</td>
<td>To do. paid on account of do. Exchange a 170 for do. 366 18 0</td>
<td>366 18 0</td>
<td>983 73</td>
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<td>Oct. 23rd</td>
<td>To do. paid on account of do. Exchange a 170 for do. 425 0 0</td>
<td>425 0 0</td>
<td>1,131 33</td>
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<td>Oct. 31st</td>
<td>To cash paid for 801 pair mens' shoes for American seamen, at $5 per pair, Sterling, Exchange a 170 for do. 171 0 0</td>
<td>171 0 0</td>
<td>457 87</td>
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To my time and services, from 4th May, to 23rd October, 1790.

To interest on $226 67, from 19th June, 1790, to 30th January, 1792, one year, seven months, eleven days, at six per cent per annum, $21 94.

On $226 67, from 11th July to do. 21 08.

On $226 67, from 31st July to do. 21 08.

On $226 67, from 13th August to do. 19 88.

On $1,042 67, from 29th September to do. 104 60.

Balance due John Brown Cutting.

$7,642 19
PRISONERS AT ALGIERS.

Report of a Committee to the Senate, relative to American Prisoners at Algiers, February 22, 1792.

The committee to whom had been referred the petition of Charles Colvill, late a prisoner in Algiers, praying for the reimbursement of the price of his ransom, and other expenses, and the several communications on file relative to American citizens now in captivity at Algiers, reported the following resolutions:

Resolved by the Senate of the United States, in their capacity as Council of Advice, That, if the President of the United States shall enter into any treaty or convention, for the purpose of establishing and preserving peace with the regency of Algiers and with Tunis and Tripoli, "at an expense not exceeding one hundred thousand dollars annually," for such a term of years shall be stipulated, and for the purpose of ransoming the citizens of the United States in captivity with the Algerines, "at an expense not exceeding forty thousand dollars, for the said ransom," the Senate will advise and consent to the same, and ratify or approve any measures which the President of the United States shall take for accomplishing these objects, to an amount not exceeding five thousand dollars, although such measures should prove unsuccessful.

Resolved, That, if a convention or treaty for the establishment and preservation of peace, cannot be made with the regency of Algiers, the sum of two thousand four hundred dollars, annually, shall be distributed among the said captives or their families, as they may prefer, in such manner, and in such proportions, as the President of the United States shall order and direct, during their captivity.

Resolved, That the President of the United States be authorized and empowered to draw on the treasury of the United States for the sum of one hundred and forty-five thousand dollars.

FRANCE.

Message from the President, communicating to Congress a letter from the King of France, announcing his acceptance of the Constitution of that nation.

United States, March 5, 1792.

Gentlemen of the Senate,

and of the House of Representatives:

Knowing the friendly interest you take in whatever may promote the happiness and prosperity of the French nation, it is with pleasure that I lay before you the translation of a letter which I have received from His Most Christian Majesty, announcing to the United States of America his acceptance of the constitution presented to him in the name of his nation:

GEO. WASHINGTON.

[Translation of a letter from the King of France, of September 19, 1791.]

Very dear great friends and allies:

We make it our duty to inform you that we have accepted the constitution which has been presented to us in the name of the nation, and according to which France will be henceforth governed.

We do not doubt that you take an interest in an event so important to our kingdom and to us; and it is with real pleasure we take this occasion to renew to you assurance of the sincere friendship we bear you. Whereupon we pray God to have you, very dear great friends and allies, in his just and holy keeping.

Written at Paris, the 19th of September, 1791.

Your good friend and ally,

LOUIS.

The United States of North America.

SPAIN.

Message from the President of the United States to the Senate, relative to negotiations at Madrid.

United States, March 7, 1792.

Gentlemen of the Senate:

I submit to your consideration the report of the Secretary of State which accompanies this, stating the reasons for extending the negotiation proposed at Madrid to the subject of commerce, and explaining under the form of instructions to the commissioners lately appointed to that court the principles on which commercial arrangements with Spain might, if desired on her part, be acceded to on ours; and I have to request your decision, whether you will advise and consent to the extension of the powers of the commissioners as proposed, and to the ratification of a treaty which shall conform to those instructions, should they enter into such a one with that court.

GEO. WASHINGTON.
FOREIGN RELATIONS. [1792.

Report of the Secretary of State.

The Secretary of State having understood, from communications with the commissioners of his Catholic Majesty, subsequent to which he reported to the President on the 32d of December last, that though they considered the navigation of the Mississippi as the primary and most important object of navigation expected by their government, that the conferences held with Mr. Gardouii, and particularly some arrangements of commerce, is of opinion, that, to renew the conferences on this subject also, since they desire it, will be both friendly and respectful, and can lead to nothing without confusion; and that, to form a settlement of their claim of navigation, they wish to be heard by the President, and, therefore, reports to the President of the United States, the following observations and instructions to the commissioners of the United States, appointed to negotiate with the court of Spain a treaty or convention relative to the navigation of the Mississippi; which observations and instructions, he is of opinion, should be laid before the Senate of the United States, and, which being submitted to the Senate, may be considered as an act or consent that a treaty be entered into by the commissioners of the United States with Spain conformable thereto.

After stating to their commissioners the foundation of our rights to navigate the Mississippi, and to hold our southern boundary at the 31d degree of latitude, and that each of these is to be a sine qua non, it is proposed to add as follows:

On the former conferences on the navigation of the Mississippi, Spain chose to blend it with the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object then was to obtain the renunciation of our navigation, and to hold out commercial arrangements perhaps as a lure to us. Perhaps, however, she might then, and may, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation, or may wish for them to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so, if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis of a commercial treaty: 1st, That of exchanging the privileges of native citizens; or, 2d, Those of the most favored nation.

1st. With the nations holding important possessions in Asia, we are ready to exchange the rights of native citizens, provided they be extended through the whole possessions of both parties; but the propositions of Spain, made on the former occasion, (a copy of which accompanies this) were, that we should give their merchants, vessels, and productions, the privileges of native merchants, vessels, and productions, through the whole of our possessions; and that we should give the Spaniards only what the French receive, because unequal; and as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

2d. Though treaties which merely exchange the rights of the most favored nations are not without all convenience, yet they have their conveniences limited to the particular articles which they contain, and to give what preferences they find expedient to native merchants, vessels, and productions. And as we already have treaties on this basis with France, Holland, Sweden, and Prussia, the two formers of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we should be willing to place that nation on the most favored footing, whether we have a treaty with them or not; and it can do us no harm to secure by treaty a reciprocation of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model; but it would be useless to propose the Prussian, because we have already supposed that Spain would never consent to those articles which give to each party access to all the domains of the other and without this equivalent, we would not agree to tie our own hands so materially in war as would be done by the 22d article, which renounces the right of fitting out privateers, or of capturing merchant vessels. The French treaty, therefore, is proposed as the model.

In this, however, the following changes are to be made.

We should be admitted to all the dominions of Spain to which any other foreign nation is or may be admitted.

Article 5, being an exemption from a particular duty in France, will, of course, be omitted, as inapplicable to Spain.

Article 8 to be omitted, unless unnecessary with Morocco, and ineffectual and little honorable with any of the Barbary Powers, but it may further be proposed to send Spain on the project of a convention of the Powers at war with the Barbary States, to keep up by rotation a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the indulgences of the Algerines to their treaty of peace with Spain, though the latter does not choose to break openly, may induce her to substitute a constant cruise against them with a given force.

Article 9 and 10, concerning fisheries, to be omitted as inapplicable.

Article 11. The first paragraph of this article, respecting the droit d'aubaine, to be omitted, that law being superior to any other in France.

Article 17, giving asylum in the ports of either to the armed vessels of the other, with the prizes taken from the enemies of that other, must be qualified as it is in the 19th article of the Prussian treaty; as the stipulation in the latter part of the article, "that no shelter or refuge shall be given in the ports of the one to such as shall have made prizes in the war on the coast of the other," would be absurd, it would be much wiser to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former on the latter; a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 52. Consuls should be received at all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America. Free ports in the Spanish possessions in America, and particularly at the Havana, are more to be desired than expected. It can, therefore, only be recommended to the best endeavors of the commissioners to obtain them. It will be something to obtain for our vessels, flour, &c., ad mission to those ports during their pleasure. In like manner, if they could be prevailed on to re-establish our right of cutting woodglove in the bay of Campeachy, on the footing on which it stood before the treaty of 1765, it would be desirable, and not endanger to us any contest with the English, who, by the Revolution treaty, are restrained to the old terms for a piece of Yaca, on the coast of Yucatan.

Article 31. The act of ratification on our part may require a twelve month from the date of the treaty, as the Senate meets regularly but once a year; and to return it to Madrid for exchange may require four months more, and it may be needful to be considered by them "before the third month after its receipt," otherwise it will be too late to enter the act of ratification of the Mississippi, which must be perpetual and final. Indeed, these two subjects had better be in a separate instrument.

There might have been mentioned a third species of arrangement, that of making special agreements on every article of commerce, of settling a tariff of duty to be paid, on each side; on every particular article; but this would require in our commissioners a very minute knowledge of our commerce, as it is impossible to foresee every proposition of this kind which might be brought into discussion, and to prepare for it by information and intelligence, unless we give for it; our commerce is as yet so inapplicable, that it will ultimately flow are not sufficiently known to enable us to provide for it by special agreement; nor have the exigencies of our new government as yet so far developed themselves, as that we may know to what degree we may or must have recourse to commerce, for the purposes of revenue. No common consideration, therefore, into which we may enter such arrangements. Perhaps it is nothing serious to us, with any nation, short of the privileges of natives in all their possessions, foreign and domestic.

It were to be wished indeed that some positively favorable stipulations respecting our grain, flour, and fish, could be obtained even on our giving reciprocal advantages to some of the commodities of Spain, say her wines and brandies, &c.

1st. If we quit the ground of the most favored nation as to certain articles for our convenience, Spain may insist on doing the same for other articles for her convenience; and thus our commissioners will get themselves on the ground of a treaty of detail, for which they will not be prepared.
2d. If we grant favor to the wines and brandies of Spain, then Portugal and France will demand the same; and in order to create an equivalent, Portugal may lay a duty on our fish and grain, and France a prohibition on our whale oil, the extent of which will be proposed as an equivalent.

Thus much, however, as to grain and flour, may be attempted. There has, not long since, been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain, as that event considered the matter. It is not generally thought right to change the state of things pending a treaty concerning them. On this consideration, and on the motive of cultivating our friendship, perhaps the commissioners may induce them to restore this commodity to the footing on which it was on opening the conferences with Mr. Gardoqui on the 20th day of July, 1785. If Spain says, "do the same by your tonnage on our vessels," the answer may be, "that our foreign tonnage affects them very little, and other nations very much, whereas the duty on flour in Spain affects us very much, and other nations very little; consequently there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would in fact only be aiding the interests of her rival nations, to whom we should be forced to extend the same indulgence." At the time of opening the conferences too, we had as yet not erected any system; our government itself being not yet erected. Innovation, then, was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general ground, on ground favorable to Spain; but they had a system, and therefore innovation was avoidable on their part.

TH: JEFFERSON.

March 7, 1792.

Articles proposed by Don Diego Gardoqui, to be inserted in the Treaty with the United States.

1st. That all commercial regulations affecting each other shall be founded in perfect reciprocity. Spanish merchants shall enjoy all the commercial privileges of native merchants in the United States; and American merchants shall enjoy all the commercial privileges of native merchants in the kingdom of Spain, and in the Canaries and other islands belonging and adjacent thereto. The same privileges shall extend to their respective vessels, and merchandise consisting of the manufactures and productions of their respective countries.

2d. Each party may establish consuls in the countries of the other, (excepting such provinces in Spain, into which none have heretofore been admitted, viz. Bilboa and Guipuscoa) with such powers and privileges as shall be ascertained by a particular convention.

3d. That the bona fide manufactures and productions of the United States (tobacco only excepted, which shall continue under its present regulations) may be imported in American or Spanish vessels into any parts of his Majesty's European dominions and islands aforesaid, in like manner as if they were the productions of Spain. And on the other hand, that the bona fide manufactures and productions of his Majesty's dominions, may be imported into the United States in Spanish or American vessels, in like manner as if they were the manufactures and productions of the said States. And further, that all revenues and imposts, as may mutually be thought necessary to lay on them by either party, shall be ascertained and regulated on principles of exact reciprocity, by a tariff to be formed by a convention for that purpose, to be negotiated and made within one year after the exchange of the ratification of this treaty; and in the mean time, that no other duties or imposts shall be exacted from each other's merchants and ships than such as may be payable by natives in like cases.

4th. That inasmuch as the United States, from not having mines of gold and silver, may often want supplies of specie for a circulating medium, his Catholic Majesty, a a proof of his good will, agrees to order the masts and timber which may from time to time be wanted for his royal navy, to be purchased and paid for in specie in the United States. Provided, the said masts and timber shall be of equal quality, and when brought to Spain, shall not cost more than the like may there be had for from other countries.

5th. It is agreed that the articles commonly inserted in other treaties of commerce, for mutual and reciprocal convenience, shall be inserted in this; and that this treaty, and every article and stipulation therein, shall continue in full force for seven years, to be computed from the day of the date hereof.

2d CONGRESS. No. 60. [1st Session.

GREAT BRITAIN.

Message from the President of the United States, communicating the correspondence between the British Minister Plenipotentiary and the Secretary of State, in relation to the commerce of the two countries.

Gentlemen of the Senate

and House of Representatives:

I have thought it proper to lay before you a communication of the 11th instant, from the Minister Plenipotentiary of Great Britain to the Secretary of State, relative to the commerce of the two countries, together with their explanatory correspondence, and the Secretary of State's letter to me on the subject.

GEO. WASHINGTON.

April 13, 1792.

PHILADELPHIA, April 13, 1792.

SIR: I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Majesty, covering a clause of a statute of that country relative to its commerce with this, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the minister, as expressed in the letter and answer herein enclosed; and, on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the islands of Jersey and Guernsey. The want of proportion between the motives expressed and the measure, its magnitude and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that Government to conciliate this in mutual offices of friendship and good will, support his construction. The minister, moreover, assured me verbally, that he would immediately write to his court for an explanation, and in the mean time is of opinion that the usual intercourse of commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be,
With sentiments of the most profound respect and attachment,

Sir, your most obedient and most humble servant,

The President of the United States.

TH: JEFFERSON.
FOREIGN RELATIONS.

Philadelphia, April 11, 1792.

Sir: I have received, by a circular despatch from my court, directions to inform this Government that, considerable inconveniences having arisen from the importation of tobacco in foreign vessels into the ports of his Majesty's dominions, contrary to the act of the 19th Charles 2d, chap. 18, sec. 3d, (commonly called the navigation act) it has been determined in future strictly to enforce this clause, and to seize, in case of the liberty of enclosing to you a copy.

And I have the honor to be, with perfect esteem and respect, sir,
Your most obedient humble servant,

Mr. Jefferson.

GEO. HAMMOND.

19 Car. 2, Cap. 18. Sect. 3.

And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever, of the growth, production, or manufacture, of Africa, Asia, or America, or of any part thereof, which are described or laid down in the usual maps or charts of those places, be imported into England, Ireland, or Wales, islands of Guernsey and Jersey, or town of Berwick upon Tweed, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly, and without fraud, belong only to the People of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, or of the dependencies, plantations, or territories, in Asia, Africa, or America, to his Majesty belonging, as the proprietors and right owners thereof, and whereas the master, and three-fourths at the least, of the mariners, are English, under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they are imported, with all her guns, tackle, furniture, ammunition, and apparel one money to his Majesty, his heirs and successors, and the other money to him or them who shall seize that ship, or sue for the same, in any court of record, by bill, information, plaint, or other action, wherein no essoin, protection, or wager of law, shall be allowed.

Philadelphia, April 12, 1792.

Sir: I am this moment favored with the letter you did me the honor of writing yesterday, covering the extract of British statute, forbidding the admission of foreign vessels into any ports of the British dominions, with goods or commodities of the growth, production, or manufacture, of America. The effect of this appears to me so extensive, as to induce a doubt whether I understand rightly the determination to enforce it, which you notify, and to oblige me to ask of you, whether we are to consider it as so far a revocation of the proclamation of your Government regulating the commerce between the two countries, and that, henceforth, no articles of the growth, production, or manufacture, of the United States, are to be received in the ports of Great Britain or Ireland, in vessels belonging to the citizens of the United States?

I have the honor to be,
With sentiments of the most perfect esteem and respect, sir,
Your most obedient and most humble servant,

The Minister Plenipotentiary of Great Britain.

TH. JEFFERSON.

Philadelphia, April 12, 1792.

Sir: In answer to your letter of this day, I have the honor of observing, that I have no other instructions upon the subject of my communication than such as are contained in the circular despatch, of which I stated the purport in my letter of the 22d of last month. I have, however, no difficulty in assuring you, that the result of my personal conviction is, that the determination of his Majesty's Government to enforce the act of navigation (a copy of which I transmitted to you) with respect to the importation of commodities in foreign vessels, has originated in consequence of the many frauds that have taken place in the importation of tobacco into his Majesty's dominions, in foreign vessels, and is not intended to militate against the proclamation or order of the king in council, regulating the commercial intercourse between Great Britain and the United States, which, I have every reason to believe, still exists in full force, as I have not had the most distant intimation of its being revoked.

I have the honor to be,
With the most perfect esteem and consideration, sir,
Your most obedient humble servant,

Mr. Jefferson.

GEO. HAMMOND.

2d Congress. No. 61. [1st Session.]

PRISONERS AT ALGIERS.

Message from the President of the United States, relative to Prisoners at Algiers.

United States, May 8, 1792.

Gentlemen of the Senate:

If the President of the United States should conclude a convention or treaty with the government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, will the Senate approve the same? Or is there any, and what, greater or lesser sum which they would fix on as the limit, beyond which they would not approve the ransom?

If the President of the United States should conclude a treaty with the government of Algiers, for the establishment of peace with them, at an expense not exceeding twenty-five thousand dollars, paid at the signature, and a sum to be paid annually afterwards, during the continuance of the treaty, would the Senate approve the same? Or, are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

GEO. WASHINGTON.

This message having been referred, the committee reported the following resolution; which was adopted by the Senate:

Resolved, That, if the President of the United States shall conclude a treaty with the government of Algiers, for the establishment of peace with them, at an expense not exceeding twenty-five thousand dollars, to be paid annually afterwards, during the continuance of the treaty, the Senate will approve the same. And in case such treaty be concluded, and the President of the United States shall also conclude a convention or treaty with the government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, that the Senate will also approve such convention or treaty.
EXPENSES OF FOREIGN INTERCOURSE.

Communicated to Congress, November 7, 1792, by Message of the President of the United States, of which the following is an extract:

"In pursuance of law, I now lay before you a statement of the administration of the funds appropriated to certain foreign purposes, together with a letter from the Secretary of State, explaining the same."

PHILADELPHIA, November 3d, 1792.

SIR,

In order to enable you to lay before Congress the account required by law of the application of the moneys appropriated to foreign purposes, through the agency of the Department of State, I have now the honor to transmit you the two statements, Nos. 1 and 2, herein enclosed, comprehending the period of two years preceding the 1st day of July last.

The first statement is of the sums paid from the treasury, under the act allowing the annual fund of 40,000 dollars for the purposes of foreign intercourse, as also under the acts of March 3, 1791, c. 16, and May 8, 1792, c. 41, s. 3, allowing other sums for special purposes. By this it will appear, that, except the sum of 300 dollars, paid to Colonel Humphreys on his departure, the rest have been all received in bills of exchange, which identical bills have been immediately remitted to Europe, either to those to whom they were due for services, or to the bankers of the United States in Amsterdam, to be paid out by them to persons performing services abroad. This general view has been given in order to transfer the debit of these sums from the Department of State to those to whom they have been delivered.

But, in order to give to Congress a view of the specific application of these moneys, the particular accounts rendered by those who have received them have been analysed, and the payments made to them have been reduced under general heads, so as to show at one view the amount of the sums which each has received for every distinct species of service or disbursement, as well as their several totals. This is the statement No. 2, and it respects the annual fund of 40,000 dollars only, the special funds of the acts of 1791 and 1792 having been not yet so far administered as to admit of any statement.

I had presented to the auditor the statement No. 1, with the vouchers, and also the special accounts rendered by the several persons who have received these moneys, but, on consideration, he thought himself not authorized by any law, to proceed to their examination. I am, therefore, to hope, sir, that authority may be given to the auditor, or some other person, to examine the general account and vouchers of the Department of State, as well as to raise special accounts against the persons into whose hands the moneys pass, and to settle the same from time to time on behalf of the public.

I have the honor to be,

With sentiments of the most perfect respect and attachment,

Sir, your most obedient and most humble servant,

TH: JEFFERSON.

The President of the United States.

No. 1.

Dr.

The Department of State in account with the United States.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790, Aug. 14</td>
<td>To a warrant from the treasury under the act for foreign intercourse, (1790, July 1,)</td>
<td>$500</td>
</tr>
<tr>
<td>Dec. 30</td>
<td>To the Treasurer's exchange on W. V. Staphorsts &amp; Hubbard, under do.</td>
<td>2,475.0</td>
</tr>
<tr>
<td>1791, Mar. 19</td>
<td>To do.</td>
<td>577.10</td>
</tr>
<tr>
<td>May 7</td>
<td>To do, under act of March 3, 1791, c. 16</td>
<td>99,000</td>
</tr>
<tr>
<td>1792, Jan. 27</td>
<td>To do, under act for foreign intercourse</td>
<td>95,947.10</td>
</tr>
<tr>
<td>June 30</td>
<td>To do, under the act of 1792, May 8, c. 41, s. 3</td>
<td>99,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>= 123,750</td>
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<td></td>
<td></td>
<td>Dollars: 143,300</td>
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The Department of State in account with the United States.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790, Aug. 14</td>
<td>By paid Col. Humphreys on his mission to Madrid, (as by his receipt)</td>
<td>$500</td>
</tr>
<tr>
<td>Dec. 17</td>
<td>By remittance to Mr. G. Morris, (as by his letter, Feb. 26, '91) the bill per contra for</td>
<td>2,475 = $1,000</td>
</tr>
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<td>1791, Mar. 19</td>
<td>By do. to J. B. Cutting, (as by papers given in to Congress) the bill per contra for</td>
<td>577.10 = 233 $</td>
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<tr>
<td>May 13</td>
<td>By do. to W. V. Staphorsts &amp; Hubbard (as by their acct. June 10, '91) the bill per contra, for</td>
<td>99,000</td>
</tr>
<tr>
<td>1792, Jan. 23</td>
<td>By do. to do, subject to Humphreys &amp; Barclay, (as by letter and receipt) the bill per contra, for</td>
<td>95,947 = 38,766 $</td>
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<tr>
<td>July 3</td>
<td>By do. to do, subject to T. Pinckney, for purposes of acct. May 8, '92, the bill per contra, for</td>
<td>99,000 = 40,000</td>
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<td></td>
<td>= 123,750</td>
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<tr>
<td></td>
<td></td>
<td>Dollars: 143,300</td>
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</table>

TH: JEFFERSON.
FOREIGN RELATIONS.

No. 2.

Analysis of the Expenses of the United States, for their intercourse with foreign nations, from July 1, 1790, to July 1, 1791, and from July 1, 1791, to July 1, 1792, taken from the accounts of Messrs. Short, Humphreys, Morris, Pinckney, & Willinks, Van Staphorst & Hubbard, given in to the Auditor.

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<td>Mr. Short</td>
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<td>4,500</td>
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<td>281 74</td>
<td>72 04</td>
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<td>$5,105 01</td>
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<td>1,602 73</td>
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<td>6,103 73</td>
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<td>Mr. Carmichael</td>
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<td>3,927 94</td>
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<tr>
<td>Mr. Dumas</td>
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<td>1,305 44</td>
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<td><strong>Ordinary.</strong></td>
<td><strong>Mr. Cutting</strong>, special services to American seamen,</td>
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<td></td>
<td>4,415 04</td>
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<td>Mission to London,</td>
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<td>Madrid,</td>
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<td>16,639 21</td>
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<td>Amsterdam, (on the subject of loans)</td>
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<td>986 18</td>
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<tr>
<td><strong>Extraordinary.</strong></td>
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<td><strong>Total,</strong></td>
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<td><strong>21,054 61</strong></td>
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<tr>
<td>Mr. Short</td>
<td></td>
<td>4,500</td>
<td>4,500</td>
<td>68 82</td>
<td></td>
<td></td>
<td>$9,068 82</td>
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<tr>
<td>Col. Humphreys</td>
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<td>4,500</td>
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<td>Mr. Dumas</td>
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<td>Mr. Morris</td>
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<td></td>
<td>9,000</td>
<td>1,500</td>
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<td>10,500</td>
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<tr>
<td>Mr. Pinckney</td>
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<td>9,000</td>
<td>1,800</td>
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<td></td>
<td>10,800</td>
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<td><strong>Ordinary.</strong></td>
<td><strong>Mr. Cutting</strong>, special services to American seamen,</td>
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<td>41,080 34</td>
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<td>Mission to Amsterdam on subject of loans,</td>
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<td>Dies for medals, as presents to foreign ministers, taking leave, and medals,</td>
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<td>1,596 32</td>
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<td><strong>Extraordinary.</strong></td>
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<td><strong>43,431 09</strong></td>
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TH: JEFFERSON.

2d Congress.] No. 63. [3d Session.

SPAIN AND THE INDIANS.

Message from the President of the United States, relative to Spanish interference with the Indians.

Gentlemen of the Senate

and of the House of Representatives:

I lay before you copies of certain papers relative to the Spanish interference in the execution of the treaty entered into, in the year 1790, between the United States and the Creek nation of Indians, together with a letter from the Secretary of State to the President of the United States on the same subject.

GEO. WASHINGTON.

Philadelphia, November 2, 1792.

Sir: The letter of October 20, from Messieurs Van and Jaudenes, not expressing the principle on which their government interests itself between the United States and the Creeks, I thought it of importance to have it ascertained. I therefore called on those gentlemen, and entered into explanations with them. They assured me, in our conversation, that, supposing all question of boundary to be out of the case, they did not imagine their government would think themselves authorized to take under their protection any nation of Indians, living within limits confessed to be ours; and they presumed that any interference of theirs, with respect to the Creeks, could only arise out of the question of disputed territory, now existing between us; that, on this account, some part of our treaty with the Creeks had given dissatisfaction. They said, however, that they were speaking from their own sentiments only, having no instructions which would authorize them to declare those of their court; but that they expected an answer to their letters covering mine of July 9, (erroneously cited by them as of the 11th) from which they would probably know the sentiments of their court. They accorded entirely in the opinion that it would be better that the two nations should mutually endeavor to preserve each the peace of the other, as well as their own, with the neighboring tribes of Indians.
I shall avail myself of the opportunity, by a vessel which is to sail in a few days, of sending proper information and instructions to our commissioners, on the subject of the late, as well as of future, interferences of the Spanish officers, to our prejudice, with the Indians, and for the establishment of common rules of conduct for the two nations.

I have the honor, &c.

TH. JEFFERSON.

[TRANSLATION.]

The President of the United States.

Six:

Though the short time which has past since we had the honor of informing his Majesty of the contents of your letter of the 11th of July, of the present year, does not admit us to have received any acknowledgment whereby we might convince you again of the just conduct of our court, and the good disposition which subsists to preserve friendship and the best correspondence with the United States, nevertheless, as we have received advices from the Governor of Louisiana, which, on one part, confirm the suspicions which we intimated to you in our answer to the said letter, "That, doubtless the commissioners of the United States insisted on fixing the limits where it is known clearly to be prejudicial to Spain, and opposed to the interests of the Creek Indians," and, on the other part, manifest the efforts which the said Governor has used to restrain the Indians from committing hostilities against the United States, as they had determined, we have now the satisfaction to enclose to you an extract of the advices of the said Governor, concerning this object, as a new confirmation of the assurances of the good disposition and friendship which we have several times had the honor to give to the United States.

We omit commenting on the insinuations from the Governor of Louisiana, because we are persuaded that your own good understanding will easily penetrate to the bottom of them, and that they will have much weight in your reflection.

We are induced equally to make the present communication by the consideration, that we observe from the public papers, and some conversations, that the opinion prevails that Spain encourages the Creeks at this moment to commit hostilities against the United States, and that those who explain themselves in this sense, do not take time to examine into the true causes, and from can be supposed that they derive their actions, nor do they appear to distinguish between the acts of individuals and those of nations. Moreover, it appears to be our duty to guard our government from all charge and censure for the want of an amicable pre-admonition, whatever disagreeable consequences may probably result. If the United States do not desist from fixing the limits where there is a risk, or suspend all demands until the point is determined between our court and the United States, by means of the negotiation on foot; using, at the same time, the most efficacious means to prevent the exasperation of the minds of the Indians with threats, and all usurping prerogative of the United States.

You will be pleased to inform the President of the United States of what we have here expressed; and we flatter ourselves that the measures which the Government of the United States take will be such as may contribute to preserve the good harmony and friendship which has so happily subsisted hitherto, and which otherwise would be much endangered.

PHILADELPHIA, October 29, 1792.

[TRANSLATION.]

Extract of a letter from the Governor of Louisiana to the Chargé des Affaires of his Catholic Majesty near the United States, written at New Orleans, Sept. 24, 1792.

"The favorable situation in which (as you inform me) the matters are which are in treaty between our court and the United States of America, has engaged me to restrain the hostilities which the Creek nation had resolved to commence against the State of Georgia, to recover the lands which it has usurped from them since the treaty of limits agreed to by McGillvray, in the year 1790, but null in effect, as having been rejected by the nation from the time it was informed of its contents, as not having been ratified and confirmed by the chiefs which compose their council; and, finally, for as much as the chiefs having already contracted, in the year 1784, with Spain, they could not conclude with the United States a new treaty of limits without their participation; nor could they stipulate in the said treaty, without an infrac- tion of the friendship which subsists between them and Spain, that the Creek nation acknowledges itself under the protection of the United States of America, and not under the protection of any other sovereign whatever.

I have engaged the nation to wait in peace the result of the negotiations which are under treaty in Madrid; and I hope that the United States will take the same measure, and will suspend running the line of demarcation in that part, until the conclusion of the negotiations before men of the; and, on the contrary, and in case that the Americans shall realize the menaces which they have thrown out against the said Indians, to destroy them in the autumn, it will indispensably kindle a very bloody war."

VIAR. JAUNDES.

GENTLEMEN:

PHILADELPHIA, November 1, 1792.

I have now to acknowledge the receipt of your favor of October the 29th, which I have duly laid before the President of the United States; and, in answer thereto, I cannot but observe, that some parts of its contents were truly unexpected. On what foundation it is supposed that we have menaced the Creek nation with destruction during the present autumn, or at any other time, is entirely inconceivable. Our endeavors, on the contrary, to keep them at peace, have been earnest, persevering, and notorious; and no expense has been spared which might attain that object. Very far from suspending, now more than a twelve-month, the marking a boundary between them and us, which had been fairly, freely, and solemnly established with the chiefs whom they had deputed to treat with us on that subject; we have suspended it, I say, on the constant hope, that, taking time to consider it in the councils of their nation, and recognizing the justice and reciprocity of its conditions, they would at length freely concur in carrying it into execution. We agree with you, that the interests which either of us have in the proceedings of the other, with this nation of Indians, is a proper subject of discussion at the negotiation to be opened at Madrid, and shall accordingly give the same in charge to our commissioners there. In the mean time we shall continue to cultivate their peace and prosperity of all the parties, being constant in the opinion that this conduct, reciprocally observed, will most increase the happiness of all.

I have the honor to be, &c.

TH. JEFFERSON.
FOREIGN RELATIONS.

3d CONGRESS.
No. 64. [1st Session.]

PROCLAMATION OF NEUTRALITY.

Communicated to Congress December 5d, 1793, and referred to in the message of the President of the United States of that date, of which the following is an extract:

"As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued.

"In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaty and the presents of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States."

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, of the one part, and France on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent Powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid towards those Powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known, that whoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said Powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States, against such punishment or forfeitures; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the Powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-second day of April, one thousand seven hundred and ninety-three, and of the Independence of the United States of America the seventeenth.

GEO. WASHINGTON.

By the President:

TH: JEFFERSON.

Instructions to the Collectors of the Customs.

PHILADELPHIA, August 4, 1793.

Sir:

It appearing that repeated contraventions of our neutrality have taken place in the ports of the United States, without having been discovered in time for prevention or remedy, I have it in command from the President to addresse the collectors of the respective districts a particular instruction on the subject.

It is expected that the officers of the customs in each district, and their official functions, have a vigilant eye upon whatever may be passing within the ports, harbors, creeks, inlets, and waters, of such district, of a nature to contravene the laws of neutrality, and, upon discovery of any thing of the kind, will give immediate notice to the Governor of the State, and to the attorney of the judicial district comprehending the district of the customs within which any such contravention may happen.

To assist the judgment of the officers on this head, I transmit herewith a schedule of rules concerning sundry particulars which have been adopted by the President, as deductions from the laws of neutrality, established and received among nations. Whatever shall be contrary to these rules will, of course, be to be notified as above mentioned.

There are some other points which, pursuant to our treaties, and the determination of the Executive, I ought to notice to you.

If any vessel of either of the Powers at war with France should bring or send within your district a prize made of the subjects, people, or property of France, it is immediately to be notified to the Governor of the State, in order that measures may be taken, pursuant to the 17th article of our treaty with France, to oblige such vessel and her prize, or such prize, when sent in without the capturing vessel, to depart.

No privateer of any of the Powers at war with France, coming within a district of the United States, can, by the 22d article of our treaty with France, enjoy any other privilege than that of purchasing such victuals as shall be necessary for her going to the next port of the Prince or State from which she has her commission. If she should do any thing beside this, it is immediately to be reported to the Governor, and attorney of the district, which you will observe, by the rules transmitted, that the term privateer is understood not to extend to vessels armed for merchandise and war, commonly called with us letters of marque, nor, of course, to vessels of war in the immediate service of the government of either of the Powers at war.

No armed vessel which has been or shall be originally fitted out in any port of the United States, by either of the parties at war, is henceforth to have asylum in any district of the United States. If any such armed vessel shall appear within your district, she is immediately to be notified to the Governor, and attorney of the district, which is also to be done in respect to any prize that such armed vessel shall bring or send in. At foot is a list of such armed vessels of the above description as have hitherto come to the knowledge of the Executive.

The purchasing within, and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally warlike instrument and military stores, is free to all the parties at war, and is not to be
FRANCE AND GREAT BRITAIN.

Interfered with. If our own citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize. You will be particularly careful to observe, and to notify as directed in other instances, the case of any citizen of the United States who shall be found in the service of either of the parties at war. In case any vessel shall be found in the act of contravening any of the rules or principles which are the ground of this instruction, it is to be refused a clearance until she shall have complied with what the Governor shall have decided in reference to her. Care, however, is to be taken in this, not unnecessarily or unreasonably to embarrass trade, or to vex any of the parties concerned.

In order that contraventions may be better ascertained, it is desired that the officer who shall first go on board any vessel arriving within your district, shall make an accurate survey of her then condition as to military equipment, to satisfy himself that, prior to her clearance, a like survey be made, that any transmission of the rules laid down may be ascertained.

But, as the propriety of any such inspection of a vessel of war in the immediate service of the government of a foreign nation is a question in reference to the usage of nations, no attempt is to be made to inspect any such vessel, till further order on the part of the President.

The President desires me to signify to you his most particular expectation, that the instruction contained in this letter will be executed with the greatest vigilance, care, activity, and impartiality. Omissions will tend to expose the Government to injurious imputations and accusations, and proportionally, to confirm the faith and peace of the country—objects of too much importance not to engage every proper exertion of your zeal.

With consideration, I am, sir, &c.

ALEXANDER HAMILTON.

1. The original arming and equipping of vessels in the ports of the United States, by any of the belligerent parties, for military service, offensive or defensive, is deemed unlawful.

2. Equipment of merchant vessels, by either of the belligerent parties, in the ports of the United States, purely for the accommodation of them as such, is deemed lawful.

3. Equipment in the ports of the United States, of vessels of war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the 17th article of our treaty of amity and commerce with France.

4. Equipment in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize, &c.

5. Equipment of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful.

6. Equipment of every kind, in the ports of the United States, of privateers of the Powers at war with France, are deemed unlawful.

7. Equipment in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the 16th article of our treaty with France, the 16th of our treaty with the United Netherlands, the 9th of our treaty with Prussia; and, except those mentioned in the 19th article of our treaty with France, the 17th of our treaty with the United Netherlands, the 18th of our treaty with Prussia.

8. Vessels of either of the parties, not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist therein their own subjects or citizens, not being inhabitants of the United States; except privateers of the Powers at war with France, and except those vessels which shall have made prize, &c.

3d Congress.] No. 65. [1st Session.

FRANCE AND GREAT BRITAIN.

Message from the President of the United States in relation to the situation of Europe, and communicating certain correspondence on the subject.

United States, December 5, 1793.

Gentlemen of the Senate,

and of the House of Representatives:

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the Legislature, and may indeed give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place. The representative and executive bodies of France have manifested generally a friendly attachment to this country, have given advices of our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessel of a friend, contrary to our treaty, though revoked at one time, as to the United States, has been since extended to their vessels also, as has been recently communicated. Representations on the subject will be immediately given in charge to our minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you, that the proceedings of the person whom they have unfortunately appointed their minister plenipotentiary here, have breathed nothing of the friendly spirit of the nation which sent him, or their tendencies to peace. He has been in constant relations with the American Government, and has not been contented to be left at home, and discords and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the new and unexampled power, where their danger was not imminent, they have been borne with, from sentiments of regard to his nation; from a sense of their friendship to us; from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions; and to that end, from a reliance on the firmness of my fellow-citizens in their principles of peace and order.

In the mean time, I have adopted the stipulations of prayers to God, and to that extent the stipulations of ours to carry the goodwill which I have thought their true sense; and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further; rather than employ force for the restitution of certain vessels, which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties, by avowing it to be my opinion, that, if restitution were not made, it would be incumbent on the United States to make compensation.

The papers now communicated will more particularly apprise you of these transactions.
The vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that, on furnishing these, the Government was prepared to examine the matter, and proceed to the maintenance of redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders to the commanders of their armed vessels, to restrain, generally, our commerce in corn and other provisions, to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time, some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of these papers, in order to make it known to the Legislature during their present session.

Very early after the arrival of a British minister here, matters of importance on the execution of the treaty of peace were entered into with that minister; these are now laid before you for your information.

On the subjects of mutual interests between this country and Spain, negotiations and conferences are now depending, the French minister requiring that the present state of these should be made known to the Legislature in confidence only, they shall be the subject of a separate and subsequent communication.


LIQUIDATION OF THE DEBT OF THE UNITED STATES TO FRANCE.—[TRANSLATION.]


Sir: The executive council of the French republic has learnt through my predecessor, the citizen Ternant, the readiness with which the Government of the United States of America attended to the facilitation of the purchases which that minister was charged to make in the United States on account of the French republic; as also the acquittal of the draughts of the colonies for which imperious circumstances obliged it to provide. The executive council, sir, has charged me to express to the American Government, the acknowledgment inspired by all the marks of friendship which it has given on this subject to the French nation; and to prove to it the reciprocity of our sentiments, it has determined to give at once a great movement to the commerce of France with America, in consequence henceforth from the United States the greatest part of the subsistence and stores necessary for the armies, fleets, and colonies of the French republic.

The executive council has intrusted me with the direction of these great and useful operations, and has given me particular powers comprehended in the reports, and in the resolutions now enclosed, in virtue of which I am authorized by the council and by the national treasury of France, to employ the sums of which the United States can effect the payment, (towards their debt to France) or those which I can procure on my personal drafts, payable by the national treasury, in purchasing provisions, naval stores, and in fulfilling other particular services, conformably to the orders which have been given to me by the ministers of the interior, of war, of the marine, and of foreign affairs.

The Government of the United States is too enlightened, not to perceive the immense advantages which will result from this measure to the people of America, and I cannot doubt that, knowing the difficulties which different circumstances might oppose at this moment to the execution of the pressing commissions which have been given to me, if it should not facilitate to us still the receipt of new sums by anticipation, it will find in its wisdom, and in the reports now enclosed, of the minister of the public contributions of France, measures proper to answer our views, and to satisfy our demands.

It does not belong to me to judge, if the President of the United States is invested with powers sufficient to accede to our requests, without the concurrence of the Legislative body; but I will permit myself to observe to you, sir, that the last anticipated payments which took place, prove it, and that this question appears equally decided by the act of Congress, which authorizes the Executive to make the payment of the foreign debt of the United States, unless it shall find therein an evident advantage. Now, what advantage more sensible can we offer to you, than that of discharging your debt to us with your own productions, without exporting your cash, and without recurring to operations—the burdensome operations of bankers? It is furnishing you, at the same time, with the means of procuring your debt, and securing your citizens; in short, it is to raise the value of your productions, and consequently of your lands, in establishing a necessary competition between us and a nation which has, in a measure, reserved with a great deal of art and of sacrifices, the monopoly of your own productions. It is time, therefore, to make a commercial resolution, which, besides the completion of your domestic political Revolution, should accomplish itself in a solid manner; and France appears to me to be the only Power which can operate this incalculable good. She desires it ardently. The wise arrangements, of which I have now given you an account, are the proof of it. It remains then with your Government to second the views which are suggested to us by our constant friendship for our brethren the Americans, and by the desire we have to strengthen the bonds which unite us to them. It will be a pleasing duty to me, sir, to conform myself, in the administration which is confided to me, to these sentiments of the French nation, for all the United States; and in order that every one of them may participate in the extensions of our commercial relations, I will take care to distribute my purchases among the different States of the Union, as much as the natural productions of their soil and the nature of their commerce will permit.

I will neglect no means, moreover, in order that the modes of purchase prescribed to me, may enable, not only the American and French merchants, but also the land holders and farmers, to take advantage of the benefits which may result from our purchases.

Genet.

AMERICAN DEBT, FIRST REPORT.—[TRANSLATION.]

Citizen Genet, minister of the French republic to the United States of America, has been charged by the provisional executive council of the American Government for the payment of the sums remaining due to France by the said States, though all the terms stipulated for the reimbursement have not yet expired.

The provisional executive council were led to this resolution, by the arrangements of the French Government for the payment of the sums remaining due to France by the said States, though all the terms stipulated for the reimbursement have not yet expired.

From the convenience with which a part of these stores, and provisions may be purchased in the different markets of the United States.

3. From the advantage which the republic would find in making these purchases in, and with the moneys arising from, the American debt.

4. In fine, from the consideration that the United States might find it convenient to anticipate the reimbursements of the moneys due to France, when they were to be employed within themselves in purchasing the productions of their soil.

In consequence, the citizen Genet has concerted with the ministers of the interior, of war, of the marine, and of foreign affairs, in order to obtain a statement of the expenses of their several departments. According to this,
the funds to be disposed of by citizen Genet, will amount to about seventeen millions of livres tournois, a sum not
equal to the whole of the balance due by the United States to France.

But here two questions arise with citizen Genet—

1st. How to arrange the matter so that this sum shall be properly accounted for in the national treasury, through which it has passed?

And supposing, secondly, That the purchases of warlike stores and provisions are indispensable, and ought to be made and expedited to France with celerity, the minister Genet desires to know how the money can be replaced, in case the American Government should refuse to anticipate the reimbursements?

OBSERVATIONS.

1st. On the consistency. Supposing that the United States should consent to anticipate their reimbursements; they may do so in two ways.

By issuing, or bank notes for the same term;

Or by State securities on interest, and reimbursable on a given term.

The first of these is accompanied with no difficulty. The minister Genet will furnish his assignments or notes on the treasury of the American Government, for the warlike stores and provisions, and other pressing wants, for expenses relative to the support of consuls; for extraordinary and secret purposes of embassy; and for victualling and refitting vessels: these notes will be stamped by the department of the ministry, upon the compatibility of whom they have been furnished; the American treasury will return them into the French treasury, as the payment of the debt of the United States, when they will be passed to the credit of the said States; and to the debit of each department of the ministry whence they issued, or whose stamp they bear, as a part of the sums allowed by the National Convention to each for their expenses.

But the second place, stands on the same, because the minister Genet will not accept State securities of the American Government unless he can make use of them as ready money, of which he is to assure himself before the conclusion of any transaction on either side.

Then the receipts which the minister Genet will furnish the American Government, with the stamp of the department in which they have been employed, shall be of the same effect with regard to this Government and the French treasury, as if their value had been paid in specie.

It might happen that the State securities which the minister Genet should receive instead of ready money, as above mentioned, may lose something of their value by depreciation, but the American is to be carried to the debt according to the value which the minister Genet was to furnish, of the securities in which they shall have been employed, for the departments of the interior, of war, of the marine, and of foreign affairs.

2d. In case the American Government should not consent to any anticipation in the payment of the debt of the United States to France.

There are but two methods to provide for this improbable contingency, if we can suppose that the United States have any interest in acknowledging the French republic, and living on friendly terms with her.

Even admitting that we could not reckon on the good will of the United States, the situation of the finances or the excessive dearness of the metals, in comparison to notes, not permitting us to export a large sum of dollars to America, we should be obliged to make use of drafts on Europe; they must be either on London and Amsterdam, by the help of a credit to be obtained for citizen Genet, and of which he must give information in America, or upon the credit of the American creditors themselves.

The English Government having determined to make war on us, the first method cannot and ought not to be made use of. It would be not only impossible to obtain a credit to the end of our operations, but it would be attended with great expense, from the low state of exchange occasioned by the war. The only resource then remaining, would be the credit of the French treasury; but if these should enjoy the credit which they merit, there is reason to believe, that the Americans would still prefer them for assignments of the debt of the United States. So that it is very probable, that this means of managing the matter in America, the best the republic is at present capable of devising, is that on which the executive council may with greatest safety rely, unless the United States would wish to render themselves hostile towards the republic, which, from every appearance, is unlikely to be the case.

But it is proper we should provide for every contingency, the omission of which might cause citizen Genet embarrassment; therefore, the minister of public contributions proposes to the provisory executive council the following

DECISION.

The national treasury will furnish citizen Genet with a declaration in writing, authorizing him to employ, agreeable to the orders of the ministers of the interior, of war, of the marine, and foreign affairs, the sums he shall receive from the Government of the United States, on account of the debt due to France, or the complete balance hereafter due; and the minister Genet will furnish the national treasury, the instruc- tions of the American Government, with respect to the subject.

The national treasury will authorize the citizen Genet to furnish, or cause to be furnished, upon his banker, bills of exchange drawn at two months sight, to the amount of the sums requisite for the payment of subsistence, warlike stores, and other expenses of those ministers. The said bills of exchange should be employed to make up the said payments only in case citizen Genet should not be able to do so, either in whole or in part, with the funds arising from the American debt, which he is charged to negotiate.

And in fine, in order to induce the United States to make this reimbursement, in effect they should not be able to effect it, either in whole or in part, with specie, the citizen Genet is authorized to accept it from the American Government in such State notes, bearing interest, as shall be received at par, by the persons to whom citizen Genet may have payments to make on account of the republic. The orders which citizen Genet shall furnish on the treasury of the United States, in exchange for specie or state notes, shall carry in their faces the declaration of the department for which they shall have been employed; the treasurer of the United States, after discharging their amount, shall send them to the French treasury, where they will be received as so much ready money, in discharge of the debt of the United States, and as expenditures in part of the sums allowed by the National Convention to the three departments of the interior, of war, and marine, for the exchange by the said French national treasury, in the same manner, bear the stamp of the ministerial department, for the expense of which they have been furnished, and shall be charged by the national treasury, on account of the sum allowed by the National Convention to the said department.

The citizen Genet shall transmit to each minister proper statements, supported with vouchers, as well of the use made of the funds agreeably to his orders, as of the manner in which he shall have proportioned them.

In case the citizen Genet shall have received from the American Government bills or State securities in reimbursement of the debt of the United States, which he could not pass without some sacrifice, the loss, in that case, shall be considered as part of the expenses of chase, transportation, or payments, confirmed to him.

Should the council approve of this decision, a copy thereof shall be sent to the citizen Genet, certified by the secretary of the council, as well as the ministers of the interior, of war, of the marine, and of foreign affairs.

Paris, the 2d Jan. 1793, the 2d year of the republic.

The present mémoire has been read and approved in the provisory executive council, the 4th of Jan. 1793, in the 2d year of the republic.

GROUVELLE.

LE BRUN, Minister for Foreign Affairs.

* Bills of exchange.
I hereby certify, that the foregoing is a true copy from the original in my possession.—Philadelphia, 29d May, 1793, in the second year of the republic.

The Minister of the French republic,

GENET.

[TRANSLATION.]

Extract from the Registers of the deliberations of the provisional executive council, of the 4th Jan. 1793, in the 2d year of the republic.

The minister for foreign affairs having informed that the citizen Genet, appointed minister plenipotentiary from the French republic to the Congress of the United States of America, and that it would be necessary for the council to decide definitely on his instructions for the fulfillment of his mission.

The draught of the same was accordingly read; the council, in adopting it, declares that the copy thereof, as given by the senate, is to be heard and corroborated with the minister's written instructions.

After which the executive council wishing to determine the form in which the full powers given to citizen Genet shall be exercised relatively to the general direction of consular business, according to the present ideas of the minister of the marine and of foreign affairs, who have observed the necessity of a new organization of the consulates and vice consulates in America, has considered and resolved on the following, which shall serve as instructions to citizen Genet, for whatever may concern this part of his mission, and of which also a copy signed by the president of the council, and counter-signed by the minister of the marine, shall be given him. Here follows the instruction concerning the general affairs of the consulates and vice consulates of North America.*

The executive council then took into consideration the particular mission of citizen Genet, minister plenipotentiary from the republic of France to the Congress of the United States, on the subject of negotiation relative to the reimbursement of the sums due, or that may become due, of the debt due by the United States to the French republic.

An account was given of the different dispositions and steps already taken for this purpose. It was observed that, considering the utility of applying the product of the reimbursement which may be effected through Congress, to the purchase of warlike stores and provisions, which it may be convenient to the republic to procure in the different markets of the United States, that the citizen Genet, had concerted on this head with the ministers of the interior, of war, of the marine, and of foreign affairs, in order to determine the mass of the funds, confined to him for these purchases; but that several points, which required to be definitively settled by the council, either as to the forms of compatibility, or the supplying of any deficiency in those funds, in case the American Government should not be able to furnish the same, or as to the purchases to be made, as well as the payment of the consulates and vice consulates, in the interior of the United States, of which the minister of consulates, and vice consulates, agreed upon the following:

1st. The citizen Genet shall be authorized to employ, agreeably to the orders of the ministers of the interior, of war, of the marine, and foreign affairs, the sums which may be paid to him on account of the debt due by the United States to France, or the whole reimbursement thereof.

2d. In order to facilitate these reimbursements, the citizen Genet, in case he shall not be able to obtain them in specie, may accept them in such State notes as shall be remitted to him by the American Government, and received as ready money, by the persons to whom citizen Genet may have-payments to make on account of the republic.

3d. The orders which the citizen Genet shall furnish upon the treasury of the United States, in exchange for their value, shall indicate the department on account of which they may be drawn. The treasury of the United States, after discharging these orders, shall transmit them to the treasury of the French republic, where they shall be considered as so much money, in discharge of the debt of the United States, and as making a part of the sums placed by the National Convention to the disposition of the ministerial departments designated in the orders.

Whereupon, the provisory executive council, after having heard and discussed the reports and measures presented by the minister of contributions, agree upon the following:

4th. In case the reimbursements of the United States not be collected in time, or a sum sufficient obtained, the citizen Genet shall be authorized to furnish on the general banker of the national treasury, bills of exchange, at two months' sight, to the amount of the sums directed to be employed by him in the payment of provisions, warlike stores, and other expenses ordered by the said ministers. These bills of exchange, as well as the orders, shall be stamped with the name of the ministerial department on account of which they shall have been furnished, in order that the national treasury may debit each with the sum expended on its account.

5th. The citizen Genet shall furnish each minister with a proper statement, accompanied with vouchers in support of it, as well as the application of the funds, conformably to his orders, as of the manner in which he shall have had occasion to proceed.

6th. In case the citizen Genet shall have received from the American Government, bills or state securities, (bons d'etat) in reimbursement of the debt of the United States, which he could not pass without some sacrifice, the loss in that case shall be considered as part of the expenses of purchase, transportation, or payments, confined to him.

7th. A certified extract of this deliberation shall be given to the committee of the national treasury, to enable them to concur in expeditiously the above mentioned arrangements; and in order thereto, to furnish the citizen Genet with declarations and powers sufficient to ensure the success of the important operations with which he is charged.

Duplicate conformable to the register.

GROUVELLE, Secretary of the Council.

I hereby certify that the foregoing is a true copy from the original in my possession.

The minister from the French republic to the United States of America,

GENET.

AMERICAN DEBT, SECOND REPORT.—[TRANSLATION.]

Report of the Minister of Public Contributions, on the liquidation of the American debt.

The accompanying departure of the citizen Genet, on his embassy to the United States of America, requires that the provisory executive council should again take up the subject of the debt due by the United States to the republic of France.

I have informed to citizen Genet of the offers made by Colonel Smith of New York, to procure to the republic not only the reimbursement of what remains due from the United States, although not yet payable, but for the application of it, either for supplies for the army, or wheat, flour, and salted provisions, in augmentation of our internal supplies.

Colonel Smith has gone to England, and has left no other accounts relative to the operations he was proposed to enter upon, so that all is reduced to the preliminaries of the negotiation.

These preliminaries consist of a letter from the minister of public contributions of the 7th of November last to Colonel Smith, after having been referred to the executive council. It contains,

1st. An extract from the registers of the council, approving the offers of Colonel Smith.

This instruction is deposited in the office of the minister for foreign affairs, and a certified copy thereof has been delivered to citizen Genet.

G.
2d. The account current of the United States with the French republic, and that of the interest to the 1st of January next.

3d. The computation of the loss which the national treasury would sustain on the reimbursements which it has received from the United States of America, if they are not held accountable for the difference between the assignats which it received and the specie.

4th. The calculation of the reduction to sterling money of the sum due to the French republic at the rate of 8½l. or one guinea for 25 livres, 10 sous, French money, as Colonel Smith was to obtain it, which sum, consisting of the capital due, of the interest up to the 1st of January next, and the loss on payments already made, was to be paid at London.

5th. The approval of the price, and conditions on which Colonel Smith offered to furnish firelocks, deliverable at Dunkirk, agreeably to samples to be sent there by him.

I have transmitted a copy of all these papers to citizen Genet, to whom the accounts will prove useful in negotiating the reimbursement of the debt of the United States, and the sums arising from the reimbursement for the necessities of the republic.

The citizen Genet will observe that the amount will have been diminished on his arrival in the United States, if we calculate the advances made by the federal treasury, on the requisition of citizen Ternant, to satisfy the demands of the French government for the reimbursement of the liberal and necessary advances which the federal treasury will of course count as so much of the balance due by the United States to the republic of France.

The citizen Genet afterwards requested instructions as well with respect to the conditions on which he should accept the reimbursement he hopes to obtain from the American Government, as to the employment of the sums which shall be delivered to him.

**Observations.**

There can be no doubt but that the American Government will be liberal towards France, and not reap a benefit from acquitting itself with assignats. However, as a part of the debt yet unpaid is not become due, and a law relative to the reimbursement of the French debt has been made, it may be proper to calculate upon advantageous terms for the United States, it appears that this ought to be fulfilled previous to the Executive's entering into a negotiation.

This is the result of a letter written by Secretary Hamilton on the 7th of March last, to the citizen Ternant. He observes to that ambassador that the sums lent by France, were borrowed in Holland that six months elapsed between the time of obtaining the money at Amsterdam, and its receipt at the treasury in America; and that the interest paid during that time was a dead loss. But this loss can have no relation to France. The interest is due to the United States for the use of a large sum of money, and payment was made the instant that the money was lodged at Amsterdam to the disposal of the Americans.

This object does not appear then to give rise to any compensation, and without doubt the American treasury will think proper to hold to the advantage the law requires for authorizing the anticipation of the payments, which the United States are obliged to make to France.

The law does not specify this advantage. What should it be? The employment of the money on account of the French republic within the United States, is a very great advantage for them, and this employment arises from circumstances which probably would no longer exist, if the American treasury should refuse to anticipate reimbursements. The advantage here is real; it consists not only in a considerable exportation of American produce, which will be paid for with those anticipated reimbursements; but also in the arrangements which the American Government may take by means of State notes, negotiable in America itself—arrangements which would relieve her from all financial operations in Europe, for the purpose of acquiring themselves even in France, where the United States are obliged to make payment.

And the employment of those sums in America, due to the French republic, so convenient to the United States in the present circumstances, would suit the convenience of the republic.

The minister for foreign affairs has already ordered a purchase of grain, flour, and salted provisions, to the value of three millions of livres, on account of the American debt, and this purchase could not be paid for more advantageously than in this manner.

I think it proper to the republic to give further commissions for grain, even to the amount of the balance due by the United States; nor could this be blamable, as every circumstance concurs in inviting the provisory executive council to provide the republic with large supplies of provisions, and promptly, and whether in respect to the mouth of the year, or in the moment in which the United States may be more beneficial to America; and no money obtained easier than that with which the United States could pay us.

The sum to be disposed of will not perhaps prove so considerable as were to be wished, considering the wants of the French colonies, which undoubtedly will have occasioned new demands to be made at Philadelphia, since those acquisitions have been made. The sum remitted to him by the federal treasury, as is stated in his letter of the 9th of March.

It remains to speak of the conditions on which the American Government would exonerate itself towards the republic, those proposed by secretary Hamilton, in his letter of the 23d of June, 1793, to the minister plenipotentiary of France.

He reminds us that it has already been agreed, between the French Government and the United States, warlike stores (&c.) furnished, and the payments made and to be made in the United States, on account of the debt due to France, should be liquidated agreeably to the intrinsic value of the metals in the two countries.

This agreement is the most equitable that could possibly be entered into, when we consider that France should be paid at her own treasury, agreeably to the above method of calculation, the expense of transportation of the metals from America to France, and the insurance. But by anticipation of reimbursement, this bonification would be absolutely certain.

In consequence of this convention, secretary Hamilton fixed the quantity of pure gold and pure silver contained in a loaf and French crown: he compares them with the quantity of the same metals contained agreeably to law in the United States, and computes thereon advances in information or calculation excepted) that a French livre is equal to eighteen 15-100 cents of money, equal to the hundredth part of a dollar.

It is upon this principle he proposes to convert our French livres into the dollars which will be delivered in the United States to the French agents authorized to transact this business.

I think this reduction still more advantageous to the republic than the promise made by Colonel Smith, in case we should obtain anticipated reimbursements. Be it as it may, we cannot refuse it; and doubtless secretary Hamilton takes for granted, that all the articles of the account current, between the French republic and the United States, will be paid according to the conventions already agreed to this standard. This account is in the possession of citizen Genet; it is necessary only to make it out in two columns, on the debt and credit sides, to wit: an inner column for the French livres, and an outer column for the American dollars.

The account of interest should be made without this—fixing an epoch posterior to the 1st of January, 1793, for closing the suspense, after the 1st of January, 1794. This will certainly be agreeable to this standard. This account in the possession of citizen Genet; it is necessary only to make it out in two columns, on the debt and credit sides, to wit: an inner column for the French livres, and an outer column for the American dollars.

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DECISION.

That the citizen Genet, minister plenipotentiary of the republic to the United States of America, be charged by the provisory executive council to solicit from the American Government the reimbursement of the balance remaining due, capital and interest, by the United States to the French republic.

That he assign as a reason for this, the pressing necessities of the republic, occupied in the defence of its liberty and independence, as the United States defended theirs when this sum was lent to them.

That, as a law of the United States authorizes the Federal Government to make these reimbursements by anticipation only, in case of an advantage resulting to the United States, by so doing, the citizen Genet promises to the Government, that the whole sum delivered to him shall be employed in the purchase of supplies, the growth of the United States, purchased and paid for within the same.

That, as the United States wish to reimburse what they owe to France, without reaping advantage therefrom in any manner, from the present state of exchange, the citizen Genet be authorized to consent to a conversion of French livres into dollars, upon the rule fixed upon, viz: the quantity of pure gold and pure silver contained in a louis, and in a French crown, and in the American dollars, agreeably to the laws of both countries, fixing the value of those coins.

That the citizen Genet employ the sums he shall receive from the American Government, agreeably to the dispositions for that purpose made in concert between the ministers of war, of the marine and of foreign affairs.

And that certified copies of this report, of the observations, and of the decision, shall be transmitted to the citizen Genet, for his instructions.

Read and approved, in the provisory executive council at Paris, the 4th January, 1793, in the second year of the French republic.

Le Brun, Minister for Foreign Affairs.

MONGE, President.

NATIONAL TREASURY.—[TRANSLATION.]

Copy of a letter written by the Commissioners of the National Treasury to the President of the Provisory Executive Council.

CITIZEN PRESIDENT:

We have received the extract which the provisory executive council have addressed to us, of their deliberation of the 4th of the present month, by which the citizen Genet, minister from the republic to the United States of America, is authorized to make use of the sums which the Congress may be able to pay of the debt due by the United States to France, or those which he may procure on his own notes, payable by the cashier of the national treasury, in purchasing provisions and warlike stores agreeably to the orders which shall be given him by the ministers of the interior, of war, of the marine, and of foreign affairs.

To concur, as far as is in our power, and according to the intentions of the executive council, in forwarding the measures pointed out in the deliberation, we have the honor to assure you, citizen president, that whatever sum shall be sent to us in the name of Congress, of the acquittances or orders furnished by the citizen Genet, to the treasurer of the United States, and indicating the department of the French ministry, for which he shall have issued them, we shall immediately advise the executive council thereof, in order that we may be enabled to credit the American Congress, on account of their debt, for their amount.

Should the reimbursements which Congress may make prove insufficient to answer the different purposes required by the ministers of the republic, and citizen Genet, to fulfill his mission, be obliged to recur to his own notes, payable at two months' sight, upon citizen Doyer, general cashier of the national treasury, we shall examine when presented, and immediately refer them to the minister to whose department they shall relate, in order that, in the interval between their examination and time of payment, the ministers may have the proper and regular authorities expedited to authorize the payment.

As our functions are unconnected, in a direct manner, with the ministers sent by the republic to the different governments, we conceive that this letter answers the intentions manifested by the executive council in article 7 of their deliberations, that we should concur in the dispositions contained therein. Authenticated copies of this letter, expeditied in the name of the executive council, to the minister plenipotentiary, have given him sufficient assurances for his mission, citizen president, of all the facility which can be derived from our concurrence.

We are, with respect, &c.

By the commissioners of the national treasury,

Lermia, Gaudin, Devaine, de la Fontaine, Savelette, Sen. Dutramblay.

Paris, 8 January, 1793, 2d year of the French republic.

We, the undersigned, ministers and members of the provisory executive council of the French republic, certify that the above are the signatures of the commissioners of the national treasury of the republic, and that the letter under which they are signed, was written in consequence of the mission given by us to citizen Genet, minister plenipotentiary from the republic to the Congress of the United States, to endeavor the reimbursement of the debt due from the United States to France, and the purchase of provisions in the several markets of North America.

Done in the Provisory Executive Council at Paris, the 17th of January, 1793, in the second year of the French republic.

The members composing the provisory executive council,

Claviere, Le Brun, Pache, Roland, Monge, Garat.

I hereby certify, that the aforesaid is a true copy from the original in my possession.

The minister plenipotentiary from the French republic to the United States of America,

Genet.
The citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson, Secretary of State for the United States.

Philadelphia, May 23, 1793. 2d year of the republic.

Sir:

Single, against innumerable hordes of tyrants and slaves, who menace her rising liberty, the French nation would have a right to reclaim the obligations imposed on the United States, by the treaties she has contracted with them, and which she has cemented with her blood; but strong in the greatness of her means, and of the power of her principles, not less reducible to her enemies than the victorious arm which she opposes to their rage, she comes, in the very time when the emissaries of our common enemies are making useless efforts to neutralize the gratitude—
dump the zeal— to weaken or cloud the view of your fellow-citizens; she comes, I say—that generous nation—
that faithful friend— to labor still to increase the prosperity, and add to the happiness which she is pleased to see
them enjoy.

The obstacles raised with intentions hostile to liberty, by the perfidious ministers of despotism; the obstacles whose object was to stop the rapid progress of the commerce of the Americans, and the extension of their principles, exist no more. The French republic, standing by her brothers, their friends, has invested, and will invest, in the two worlds; has granted all the favors which her own citizens enjoy in her vast possessions; has invited them to participate the benefits of her navigation, in granting to their vessels the same rights as to her own; and has charged me to propose to your government to establish, in a true family compact, that is, in a national compacts, the those maritime arrangements which she wishes to see raised the commercial and political system of Two People, all whose interests are confounded.

I am invested, sir, with the powers necessary to undertake this important negotiation, of which the sad annals of humanity offer no example before the brilliant era at length opening upon it.

GENET.

[TRANSLATION.]

Decree of the National Convention, of 19th February, 1793, 2d year of the French republic, relative to produce
exported and imported in American vessels, to the Colonies, or to France.

The National Convention, after having heard the report of the committee of general defence, decrees as follows:

Art. I. That all the ports of the French colonies be open to vessels of the United States of America.

Art. II. That all produce exported or imported in American vessels, on going out or entering in the colonies, or in France, be free to vessels of American nation.

Art. III. That the executive council be authorized to take proper measures that the States with whom the republic are at war, do not reap any benefit from the advantages granted to friendly Powers.

Art. IV. That the executive power negotiate with the Congress of the United States, to obtain, in favor of the French merchants, like reduction of the duties granted by the present law to American merchants, and thereby more closely cement the benevolent ties which unite the two nations.

Art. V. That the law of the 20th of August, 1790, be suspended; and that vessels laden with merchandise of the East Indies, may be at liberty to land in any port of the United States, during the war; and that those whom shall be laden with the productions of the East Indies, shall have the appellation of the East India Company.

The National Convention has suspended the law of the 15th of May, 1791, which inhibited the Americans from introducing, selling, and arming their vessels in France, and from enjoying all the advantages allowed to those built in the ship yards of the republic.

Certified to be conformable to the decree of the National Convention of France.

The minister plenipotentiary of the French Republic.

GENET.

Mr. Jefferson, Secretary of State, to M. Ternant, Minister Plenipotentiary of France.

Philadelphia, May 15, 1793.

Sir:

Having received several memorials from the British minister, on subjects arising out of the present war, I take the liberty of enclosing to you, and shall add an explanation of the determinations of the Government therein. These will serve to vindicate the principles on which it is meant to proceed, and which are now applied with impartiality to the proceedings of both parties. They will form, therefore, as far as they go, a rule of action for them and for us.

In one of these memorials it is stated, that arms and military accoutrements are now being bought up by a French agent in this country, with an intent to export them to France. We have answered, that our citizens have always been free to make, vend, and export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, has not required from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that an confiscation of such portion of these arms as shall fall into the hands of any of the belligerent Powers, on their way to the ports of their enemies, in cases which have not been forbidden by the law of nations, has been abandoned, and that the purchases of arms here may work no inequality between the parties at war, the liberty to make them will be enjoyed equally by both.

Another of these memorials complains that the consul of France, at Charleston, has condemned, as legal prize, a British vessel, captured by a French frigate, observing that this judicial act is not warranted by the usage of nations, nor by the stipulations existing between the United States and France. It is true, that it is not so warranted, nor yet by any law of the land, and that therefore it is a mere nullity, can be respected in no court, make no part in the title to the vessel, nor give to the purchaser any other security than what he would have had without it; that consequently, it ought to give no concern to any person interested in the fate of the vessel. While we have considered this to be the proper answer, as between us and Great Britain, between us and France, it is an act to which we cannot but be attentive. An assumption of jurisdiction by an officer of a foreign Power, in cases which have not been

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which the laws and constitution have armed us, to discover such offenders and bring them to condign punishment. And that the like conduct shall be observed, should the like enterprises be attempted against your nation, I am authorized to guarantee your complete security. Our firmness is for the public safety, not because it is the path of peace, as the only one leading surely to prosperity; and our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder, is a security that our proceedings in this respect, will be with good faith, fervor, and vigilance. The arming of men and vessels within our territory, and extending our protection to the seas, is a part on which we have waited peace, are acts which we will not gratuitously impute to the public authority of France. They are stated, indeed, with positiveness in one of the memorials, but our unwillingness to believe that the French nation could be wanting in respect or friendship to us on any occasion, suspends our assent to, and conclusions upon, these statements, till further evidence.

The States take a further point in this memorial, to which no answer has been yet given.

The capture of the British ship Grange, by the French frigate "Embassucde, within the Delaware, has been the subject of a former letter to you. On full and mature consideration, the Government deems the capture to have been a measure ill-advised according to the rules of neutrality, and the protection it owes to all persons while within its limits, is bound to see that the crew be liberated, and the vessel and cargo restored to their former owners. The attorney-general of the United States has made a statement of the grounds of this determination, a copy of which I have the honor to enclose you. I am, in consequence, charged by the President of the United States with the duty of complying with all the laws of neutrality, and of restoring the property to its owners. The ship Grange was arrested in the Delaware, within the caps, before she had reached the sea, after her departure from the port of Philadelphia.

It is a principle, firm in reason, supported by the citizens, and tacitly approved in the document transmitted by the French minister, that, to attack an enemy in a neutral territory, is absolutely unlawful. Hence the inquiry is reduced to this simple form, whether the place of seizure was in the territory of the United States?

From a question originating under the foregoing circumstances, is obviously and properly excluded every consideration of a dominion over the sea. The solidity of our neutral right does not depend, in this case, on any of the various distances claimed on that element by different nations possessing the neighboring shore; but if it did, the field would probably be found more extensive, and more favorable to our demand, than is supposed by the document above referred to. For the necessary consequence of nations recognizing nature, and the neutrality of the Delaware, is, that by this instance, by any compact or other obligation of the United States, will, perhaps, when combined with the treaty of Paris in 1783, justify us in attaching to our coasts an extent into the sea beyond the reach of cannon shot.

In like manner is excluded every consideration, how far the spot of seizure was capable of being defended by the United States, and determined, as if that was the only ground that could be done, yet it will rather appear, that the mutual rights of the States of New Jersey and Delaware, up to the middle of the river, supersede the necessity of such an investigation.

No, the coroner: the ground of our claim is, that the United States are proprietors of the lands on both sides of the Delaware, from its head to its entrance into the sea.

The high ocean, in general, it is true, is unsusceptible of becoming property. It is a gift of nature, manifestly destined for the use of all mankind: inexhaustible in its benefits; not admitting metes and bounds. But rivers may be appropriated, because the reverse is their situation. Were they open to all the world, they would prove the inlets of perpetual disturbance and discord; would soon be rendered barren by the number of those who would share in their products; and moreover may be defined.

A river is considered as property as much as the property of the people through whose lands it flows, or of him under whose protection it is. — "Grot. b. 2, c. 3, s. 12.

"Rivers might be held in property; though neither where they rise, nor where they discharge themselves, be within our territory, but they join to both, or the sea. It is sufficient for us that the larger part of water, that is, the sides, are within our limits, and that the part of the sea in respect of us is small and insignificant." — "Grot. b. 2, c. 5, s. 7; and Barbeyrac, in his note, subjoins, that neither of those is necessary.

"Rivers may be the property of whole States." — "Puff. b. 5, c. 3, s. 4.

"To render a thing capable of being appropriated, it is not strictly necessary that we should embrace it, or be able to enclose it, within artificial bounds, or such as are different from its own substance; it is sufficient, if the compass and extent of it can be any way determined. And therefore Grotius hath given himself a needless trouble, when, to prove rivers capable of property, he useth this argument, that, although they are bounded by the land at some places, and not at others, they are the whole, and yet it is enough that the greater part of them, that is, their sides, are enclosed." — "Puff. b. 4, c. 5, s. 3.

"When a nation possesses a country in order to settle there, it possesses every thing included in it, as lands, rivers, towns, &c. — "Puff. b. 3, c. 266.

To this list might be added Bynkershoek and Selden. But the dissertation of the former, de dominio maris, cannot be quoted with advantage in attachment; and the authority of the latter, on this head, may, in the judgment of some, partake too much of allusion for the hypothesis of mare clausum. As Selden, however, sinks in influence on this question, so must Grotius rise, who contended for the mare liberum; and his accurate commentators, Ruther- forth, confirms his principles in the following passage: "A nation, by settling upon any tract of land, which at the time of such settlement had no other owner, acquires, in respect of all other nations, an exclusive right of full or absolute property, not only in the land, but in the waters likewise that are included within the land, such as rivers,
pools, creeks, or bays. The absolute property of a nation, in what it has thus seized upon, is its right of territory."—

2 Smith, b. 2, c. 9, s. 6.

Congress, too, have acted on these ideas, when, in their collection laws, they ascribe to a State the rivers wholly within that State.

It seems, however, that the spot of seizure is attempted to be withdrawn from the protection of these respectable authorities, as being in the Bay of Delaware, instead of the River Delaware.

Who can seriously doubt the identity of the River and Bay of Delaware? How often are different portions of the same stream denominated differently? This is sometimes accidentally sometimes, for no other purpose than to assist the like depression of the understanding; as when the same springs from the land, and the same tides from the ocean? Are not both doubly flanked by the territory of the United States? Have any local laws, at any time, provided variable arrangements for the river and the bay? Has not the jurisdiction of the contiguous States been exercised equally on both? Is any river, and this river was, or to an extent a part of it, not a river on its own shore? It is cited as a matter of law.

The conclusion in the 3d chapter of the 3d book above cited, in the following words:

"By this instance it seems to appear, that the property and dominion of the sea might belong to him, who is in possession of the lands on both sides, though it be above as well as below, as a strait; provided it be not so great a part of the sea, that, when compared with the lands on both sides, it cannot be supposed to be some part of them. And now, what is thus lawful to one king or people, may be also lawful to two or three, if they have a mind to take possession of a sea, thus enclosed within their lands: for it is in this manner that a river, which separates two nations, has first been possessed by both, and then divided.

"The gulfs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed."—Puff. b. 4, c. 3, s. 5.

Valin, in b. 5, tit. 1, p. 685, of his commentary on the maritime romance of France, virtually acknowledges that particular cases may be appropriated.

After reviewing the contest between Grotius and Selden, he says, "S'il (Selden) s'en fait donc lui, ou plutôt, s'il est distingué l'océan des mers particulières, et même dans l'océan, l'étendue de mer, qui doit être censée appartenir aux souverains des côtes, qui en sont baignées, sa victoire eût été complète."

These remarks may be enforced by asking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion; no foreign nation has, ever before, exacted a community of right in it, as if it were a main sea: under the former and present governments, the exclusive jurisdiction has been asserted by the very first collection law of the United States, passed in 1789, the county of Cape May, which includes Cape May itself, and all the waters thereof, therefore within the jurisdiction of the State of New Jersey, are comprehended in the district of Bridgetown; the whole of the State of Delaware, reaching the Cape no farther, is made one district. Nay, unless these positions can be maintained, the bay of Chesapeake, which, in the same law, is so fully assumed to be within the United States, and which, for the length of the Virginia territory, is subject to the process of several counties to any extent, will become a rendezvous to all the world, without any possible control from the United States, as it will equally stop here. It will require but another short link in the process of reasoning, to disappropiate the mouths of some of our most important rivers. If, as Vattel inclines to think in the 294th section of his first book, the Romans were free to appropriate the Mediterranean, merely because they secured, by a practice introduced into the instrument, the least, how much stronger must the vindication of the United States be, should they adopt maxims for prohibiting foreigners from gaining, without permission, access into the heart of their country.

This inquiry might be enlarged by a minute discussion of the practice of foreign nations, in such circumstances. But my predecessor has, in his final report, pointed out the dangerous consequences of the United States' in too commending, in the commencement of their career, ought not to be precipitated in declaring their approbation of any usages, (the precise facts concerning which we may not thoroughly understand) until those usages shall have grown into principles, and are incorporated into the law of nations; and because no law has ever been accepted, which shakes the foregoing principles.

The conclusion then is, that the Grange has been seized on neutral ground. If this be admitted, the duty arising from the illegal act is restitution.

EDMUND RANDOLPH.

May 14, 1793.

[TRANSLATION.]

Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, May 27, 1793, the 3d year of the republic of France.

Sir:

My predecessor has delivered to me the letter which you wrote to him the 15th of this month, communicat- ing the friendly memorials of the British minister, and the decisions which the American Government has taken on the complaints of this minister.

The first of these complaints which you report in your letter, sir, is not founded in fact; I have no knowledge of the purchase of the arms in question, and, at all events, the reply you have made to Mr. Hammond would convince him of the nullity of his observations, if they had been dictated by good faith; but it is probable that this step has no other object but to prepare, diplomatically, pretext to the English ships of war to subject American vessels, even under the shadow of their modest neutrality, to arbitrary visits and detentions.

The second complaint of the envoy of George III., sir, is founded on the sale of the prizes sent into the port of Charleston, under the royal flag of the republic. I shall call to my aid only facts, and very plain reasoning, in replying to Mr. Hammond's representations on this point.

The authority of commerce of 1778, authorizes exclusively all the vessels of war, French or American, armed by the two States, or by individuals, to conduct freely, wherever they please, the prizes they shall have made of their enemies, without being subjected either to admiralry or any other duties; without also the said vessels or the said prizes, entering the ports of France or of America, being stopped or seized, or the officers of the places being permitted to go on board of the said vessels or the said prizes.

This privilege is interdicted to the enemies of either of the two nations which shall be at war, the two contracting parties having expressly engaged not to permit any foreign privateer, having a commission from a Prince or Power at war with one of the two nations, in the ports of one of the two parties, or to sell there the prizes they shall have taken, or in any other manner to discharge the vessels, merchandise, or cargoes of such enemies. These privileges, which the two nations have reserved to themselves exclusively, these severe and clearly defined restrictions against their common enemies, evidently prove that, in virtue of the treaties which I have cited, we have the right to dispose of our vessels, and to receive, according to the terms of these treaties, the prizes which we have obtained, as we please, as property on the validity of which the civil or judiciary officers of the United States have nothing to do, as long as the laws of the United States are not infringed. It is in order to acquire information on this important subject, that the publication of the sale of prizes, authorized by the consular officers of the republic, is necessary; and if, in the fulfillment of this duty, prescribed by friendship, and our respect for the law of nations, the consuls of the French Republic at Charleston has made use of some formality or expression, from which it might be inferred, that he arrogated to himself jurisdiction unceded by the treaties and laws of the United States, I shall take care, sir, that this error be avoided for the future, and that all proceedings relative to the sale of our prizes,
conformably to the spirit of the treaty, bear the stamp of a particular national transaction, and of the plain and real alienation of a property acquired by the laws of war, acknowledged to be legal by the officers of the French nation.

The third complaint made to your Government, sir, by the English minister, is relative to the armaments which have taken place at Charleston, under the flag of the French republic. The American Government, up to the present time, has published no proof of its wisdom, and of its confidence in our sentiments, not blindly to admit the assertions of Mr. Hammond. In reply to this, I shall still confine myself to facts. It is certain that several vessels have been armed at Charleston; that they have received from me commissions of the republic, agreeable to the forms I have had the honor to communicate to you; and that these vessels, dispatched to sea with great dispatch, and without my knowledge, have condemned to inaction, by the terror which they have spread among the English, almost all the sailors and vessels of that nation, which were in the ports of the United States; and, by their success, have very sensibly raised the price of contraband. But how all this may be displeasing to Mr. Hammond, to his court, and to his friends; but that it is not the matter in question.

I ought, by a sincere exposition of my conduct, to put you in a capacity to judge whether I have encroached on the sovereignty of the American nation, its laws, and its principles of government.

The vessels armed at Charleston belong to French houses; they are commanded and manned by French citizens, or by Americans, who, at the moment they entered the service of France, in order to defend their brothers and their friends, knew only the treaties and the laws of the United States, no article of which imposes on them the painful injunction of abandoning us in the midst of the dangers which surround us.

It is then evident, sir, that these armaments cannot be matter of offence in the citizens of the United States; and that those who are on board of our vessels have renounced the immediate protection of their country, on taking part with us.

It is necessary, however, to examine whether the French houses of Charleston might arm the vessels which belonged to them. I submitted this question to the Governor of South Carolina, before the delivery of the letters of marque to our privateers. I reminded him that liberty consisted in doing what the laws did not prohibit; that I believed no law existed which could deprive the French citizens in the ports of the United States of the privilege of putting their vessels in a state of defence, of taking, in time of war, new commissions, and of serving their country by causing them to cruise out of the United States, on the vessels of their enemy. Nor, indeed, were there any which gave to the Government the right of submitting the particular operations of merchants to a state inquisition, and to deprive the vessel to me and my minister of the protection, to enter into the title from the first impressions which the reports of the minister of England appear to have made on it.

The last part which remains to be spoken of, sir, is relative to the capture of the English ship Grange, by the Embuscado frigate.

In the conclusion of the Attorney General of the United States, and the deliberations of the American Government, have been on this subject the rule of my conduct. I have caused the prize to be given up; and, although of considerable value, my brave brethren, the seamen of the Embuscado, have readily concurred in a measure which I represented to them as a proper mean to convince the American Government of our friendship and of our respect.

The French republicans, sir, know the duties which nations owe to one another; enlightened on the rights of man, they have just ideas of the general laws of society comprised under the common denomination of the law of nations, (droit des gens) informed with respect to the interests of their country, they know how to distinguish its enemies and its friends; and you may assure the American Government, that, collectively and individually, they will seize every occasion of showing to the sovereign people of the United States their respect for their laws, and their sincere desire to maintain with them the most perfect harmony.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 5, 1793.

SIR:—

In my letter of May 13th, to M. de Ternant, your predecessor, after stating the answers which had been given to the several memorials of the British minister, of May 8th, it was observed that a part remained still unanswered; to which I replied that several armoured vessels, the Citizen Genet, had come into this port with a prize that the President had thence taken the case into further consideration; and, after mature consultation and deliberation, was of opinion, that the arming and equipping of vessels in the ports of the United States, to cruise against nations with whom we are at peace, was incompatible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromise their peace; and that he thought it necessary, as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States.

The letter of the 27th instant, with which you have honored me, has been laid before the President, and that part of it which contains your observations on this subject, has been particularly attended to. The respect due to whatever comes from you, friendship for the French nation, and justice to all, have induced him to re-examine the subject, and particularly to give to your representations therein the consideration they deservedly claim. After full deliberation again, however, all the principles and circumstances of the case, the result appears to be, that there is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits, and the duty of a neutral nation to prohibit such as would injure one of the warring Powers; that the granting military commissions, within the United States, by any other authority than their own, is an infringement on their sovereignty, and particularly so when granted to their own citizens, to lead them to commit acts contrary to the duties they owe their own country; that the departure of vessels, thus illegally equipped, from the ports of the United States, will be but an acknowledgment of respect, analogous to the breach of it, while it is necessary on their part, as an evidence of their sound principles, to the United States, and particularly so when the President of the United States is the means of bringing it to the knowledge of the republic; and, lastly, to the nations in their friendship, to expect this act of reparation on the part of vessels, marked in their very equipment with offence to the laws of the land, of which the law of nations makes an integral part.

The expression of very friendly sentiment, which we have already had the satisfaction of receiving from you, leaves it not to doubt that the conduct of the President be more mode to you, these vessels will be permitted to give no further umbrage by their presence in the ports of the United States.

I have the honor to be, &c.

TH: JEFFERSON.
[TRANSLATION.]

The Minister of the Republic of France to the Secretary of State of the United States.

PHILADELPHIA, June 8, 1793, second year of the French republic.

Sir: I have seen with pain, by your letter of the 5th of this month, that the President of the United States persists in thinking, that a nation at war had not the right of giving commissions of war to those of its vessels which may be in the ports of a neutral nation; this being, in his opinion, an act of sovereignty.

I confess to you, sir, that this opinion appears to me contrary to the principles of natural right, to the usages of nations, to the connections which unite us, and even to the President's proclamation.

The right of arming, sir, for the purpose of its defence, and repelling unjust aggressions, in my opinion, may be exercised by a nation at war, in a neutral State; unless by treaty, or particular laws of this State, that right be confined to a single nation, friend, or ally. In the latter case, the intent of the discretion is to forbid the departure from this neutrality. This is exactly the case in which we are. The United States, friends of the French, their allies and guaranties of their possessions in America, have permitted them to enter armed, and remain in their ports, to bring there their prizes, to repair in them, to equip in them, whilst they have expressly refused this privilege to their enemies. The intention of the United States has been to facilitate to us the means of protecting, efficaciously, our commerce, and of defending our possessions in America, so useful to our mutual prosperity; and as long as the States, assembled in Congress, shall not have determined that this solemn engagement should not be performed, no one has a right to shackle our operations, and to annul their effect, by hindering those of our mariners, who may be in the American ports, to take advantage of the commissions which the French government has charged me to give them, authorizing them to defend themselves, and fulfill, if they find an opportunity, all the duties of citizens against the enemies of the State. Besides, sir, at all times, like commissions, during a war, have been delivered to our vessels. The officers of the marine transmit them to them, in France, and the consuls, in foreign countries; and it is in virtue of this usage, which no power has ever thought of regarding as an act of sovereignty, that the executive council has sent here such commissions.

However, sir, always animated with the desire of maintaining the good harmony which so happily subsists between our two countries, I have instructed the consuls not to grant letters but to the captains, who shall oblige themselves, understanding the gravity and respect, to respect the territory of the United States, and the political opinions of their President, until the representatives of the sovereign shall have confirmed or rejected them. This is all that the American Government can expect from our deference; every thing that passes out of the waters of the United States, not coming within our cognizance.

It results from this note, sir, that the commissions transmitted in virtue of the orders of the Executive Council of the republic of France, to the French vessels in the ports of the United States, are merely an authority to arm themselves, founded upon the natural right and constant usage of France; that these commissions have been expedit ed at all times, in the like circumstance that their distribution cannot be considered but as an act of consular administration, and not of Sovereignty; and that every obstruction by the Government of the United States, to the arming of French vessels, must be an attempt on the rights of man, upon which repose the independence and laws of the United States; a violation of the ties which unite the people of France and of America; and even a manifest contradiction to the system of neutrality which we observe in fact, if our merchant vessels, or others, are not allowed to arm themselves, when the French alone are resisting the league of all the tyrants against the liberty of the people, they will be exposed to inevitable ruin in going out of the ports of the United States, which is certainly not the intention of the people of America. Their fraternal voice has resonated from every quarter around me, and their accents are not equivocal—they are pure as the hearts of those by whom they are expressed, and the more they have touched our sensitivity, the more they must interest in the happiness of America the nation I represent; the more I wish, sir, that the Federal Government should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct, they will give at least to form the example of a true neutrality, which does not consist in the cowardly abandonment of their friends in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them. It is by such proceedings, that they will render themselves respectable to all Powers; that they will preserve their friends, and deserve to augment their number.

GENET.

[TRANSLATION.]

The citizen Genet, Minister Plenipotentiary of the republic of France, with the United States, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 1, 1793, second year of the Republic of France.

Sir: I have this moment been informed, that two officers in the service of the republic of France, citizens Gideon Henfield, and John Singletary, have been arrested on board the privateer of the French republic, the citizen Genet, and conducted to prison. The crime laid to their charge is that which the system in Europe has long accustomed me to consider, sir, as one of the most odious crimes that can be imagined. In a matter which affects no positive law, or treaty, which deprives Americans of this privilege, and authorizes officers of police arbitrarily to take marines in the service of France, from on board their vessels, I call upon your intervention, sir, and that of the President of the United States, in order to obtain the immediate release of the above mentioned officers, who have acquired by the sentiments animating them, and by the act of their engagement, anterior to every right to the country, the right of French citizens, if they have lost that of American citizens. I renew at the same time, sir, the requisition which I made in favor of another French officer detained for the same cause, and for the same object.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 1, 1793.

Sir: I have to acknowledge the receipt of your note of the 27th of May, on the subject of Gideon Henfield, a citizen of the United States, engaged on board an armed vessel in the service of France. It has been laid before the President, and referred to the Attorney General of the United States for his opinion on the matter of law, and I have now the honor of enclosing you a copy of that opinion. Mr. Henfield appears to be in the custody of the civil magistrate, over whose proceedings the Executive has no control. The act with which he is charged will be examined by a jury of his countrymen, in the presence of judges of learning and integrity; and if it is not contrary to the laws of the land, no doubt must be entertained that his case will issue accordingly. The forms of the law involve certain necessary delays, of which, however, he will await the result, and show what are necessary.

I have the honor to be, &c.

TH. JEFFERSON.

P. S. After writing the above, I was honored with your note on the subject of Singletary, on which it is in my power to say nothing more than in that of Henfield.
The Attorney General of the United States has the honor of submitting to the Secretary of State the following opinion on the case of Gideon Henfield, as represented by the Minister of France.

1st. It may well be doubted how far the Minister of France has a right to interfere. Henfield is a citizen of the United States; and it is unusual at least, that a foreign Power should interfere in a question, whether, as a citizen, a man has been guilty of a crime? Nor can an authority be derived from Henfield being under the protection of the French republic; because, being still a citizen, he is amenable to the laws, which operate on citizens, and the very act by which he is said to have been taken under such protection, is a violation of the sovereignty of the United States. If he be innocent, he will be safe in the hands of his countrymen: if guilty, the respect due by one nation to the decisions of another, does not merit the forgiveness they be acquiesced in.

2d. But Henfield is punishable, because treaties are the supreme law of the land; and by treaties with three of the Powers at war with France, it is stipulated, that there shall be a peace between their subjects and the citizens of the United States.

3d. He is indictable at the common law, because his conduct comes within the description of disturbing the peace of the United States.

EDM. RANDOLPH.

May 30, 1793.

[TRANSLATION.]

The citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

Philadelphia, June 14, 1793, second year of the republic.

Sir: You will see by the papers hereto annexed, that, in contempt of the treaties which unite the French and Americans; that in contempt of the law of nations; civil and judiciary officers of the United States have permitted themselves to commit, in Philadelphia, the sale of vessels taken by an armed French galliot, and at New York, have opposed the sailing of a French vessel commissioned by the Executive Council of the republic of France. I request you, sir, to inform the President of the United States of these facts; to let him know that they have used his name in committing those infractions of the laws and treaties of the United States; and engage him to develop, in the present circumstances, all the authority which the people of the United States have confided to him to enforce the execution of the laws and treaties.

Not doubting, sir, the purity of the President's sentiments, I hope to obtain immediately, from the aid of his good offices and energy, restitution, with damages and interest, of the French prizes arrested and seized at Philadelpia, by an incompetent judge, who I ought to believe not genuine; and the like restitution, with damages and interest, of the vessels stopped and seized at New York.

It is through the intervention of the public ministers, that affairs of the nature which produce my present complaints and declarations, ought to be treated. As the representative of a People, generous and confident in their friends, I have already given proofs of the sentiments with which they are animated, in causing to be restored, without examination, on the requisition of the Federal Government, the English ship Grange, taken by a vessel of the republic. I shall in all my conduct show an equal deference; but at the same time, sir, I should expect from your Government all the support, which I at present stand in need of, to defend, in the bosom of the United States, the interests, the rights, and the dignity of the French nation, which persons, on whom time will do us justice, are laboring secretly to misrepresent.

GENET.

[TRANSLATION.]

This day, the 7th June, 1793, in the 2d year of the republic of France, before us Francis Dupont, consul of the said republic, at Philadelphia, appeared the citizen Pierre Barriere, agent ad hoc of the ship William, and of the brigantine Active, taken by the galliot the citizen Genet, Captain Johanen, who has declared, that day, at 11 o'clock, being occupied in the sale of the cargo of the ship William, a deputy marshal of the court of admiralty of the United States, for the district of Pennsylvania, presented himself to him, where he was making the said sales, on Warder's wharf, pretending that the said ship William, and her cargo, were seized by the said court of admiralty, wishing, in consequence, to stop the sale, which was nevertheless continued, the appearer having conceived that the admiralty could not, in any manner whatever, meddle in this business, agreeably to the 17th article of the treaty of commerce between France and the United States. Notwithstanding, to the great prejudice of the interested in the sales, the said deputy marshal of the admiralty discouraged the bidders, and even suspended their bidding, leading them to believe that the sale of the said vessels was not valid; whence it resulted that they sold below their value. However, the sale of the cargo being made, the said agent proceeded to that of the brigantine; but as soon as he commenced, the said deputy marshal again forbid the continuance, which led several persons present into an error, supposing that the seizure extended to the brig Active, as well as the ship William; whence it resulted, that the said brigantine did not sell for more than a third of her real value, having been estimated worth 600L. The appearer, having afterwards proceeded to the sale of the ship William, the said deputy marshal again, in the name of the aforesaid court of admiralty, forbid it; whence has also resulted a considerable loss to the interested in the said prize, which was struck off at only 300L, which does not amount to one fourth of her value. In consequence of which, the said appearer protests for all damages and interests accrued, and to accrue, against the said court of admiralty, those who have set on foot this prosecution, and generally against all those whom it may concern, being therein fully justified by the tenor of the treaties; of all which the said appearer has requested of us an act, and has signed with us, the day and year above written.

FROIS DUPONT.

Pierre Barriere.

Compared by us, chancellor of the consulate of the republic of France, with the original deposited in the chancery the 8 June, 1793, 2d year of the French republic.

J. BRE. LEMAIRE.

We, consul of the republic of France, at Philadelphia, certify and attest, to whom it may concern, that citizen J. Bre. Lemaire, who has signed the above extract, is our chancellor; to whose signature faith should be given, as well in an act of friendship as of jurisdiction.

In testimony whereof, we have signed the present, and have caused to be affixed thereto the seal of the [L. s.] Consulate, at Philadelphia, the 8 June, 1793, 2d year of the republic of France.

FROIS DUPONT.

New York, June 9, 1793, 3d year of the French republic.

Sir: I have just been informed, that last night a French vessel, armed for war, and ready to hoist sail, has been arrested by authority, and that even the captain has not been permitted to go on board. This strange use of public force, against the citizens of a friendly nation, who assemble here to go and defend their brethren, is a signal viola-
tion of the laws of neutrality, which I cannot impute but to a misconception, which your attention and your equity will not fail to rectify, as soon as you shall be informed of it.

In reply, sir, the authority with which you are clothed, to cause to be rendered to Frenchmen, and allies, and I must add to freemen, of whatever nation they may be, the liberty of flying to the succor of their country. It is not in a country where Frenchmen have spilt their blood in the cause of humanity, that they ought to find in the laws obstacles to their following yet again the most pleasing of their propensities, and to fulfil the most sacred of their duties.

HAUTERIVE,
Consul of the French republic, New York.

To the Governor of the State of New York.

CONSULATE OF NEW YORK:
We Alexander Hauterive, consul of the republic of France to the United States, at New York, certify that, in consequence of a requisition made by us to the mayor of New York, and to the Governor of the State of the same name, dated 9th June current, to obtain a replevy of the detention, made by authority in this port, of a French vessel called the Republic, belonging to Louis Alexis Hochquet Cardiat, and commanded by the citizen Orset, the Governor of the said State replied to us by a letter under his signature, that it was in conformity to the injunction of the President of the United States that he had ordered a detachment of militia of this State to detain the said vessel, until the President of the United States should be informed of the circumstances of the facts upon which we have delivered to commit him to act certified and signed by us.

Done at New York, the 10th June, 1793, 3d year of the republic of France.

HAUTERIVE,
Consul of the republic of France, at New York.

[TRANSLATION.]

CONSULATE OF NEW YORK.

Protest of Citizen Hauterive, Consul of the republic of France, at New York, against the process and seizure of the Catherine of Halifax.

Considering that tribunals are instituted to render justice between individuals, and not to judge of the differences that may exist between governments, and still less decide on the political relations which exist between nation and nation; that their sphere is circumscribed within the territorial limits of the state to which they belong; that there cannot be any relation of dependence between the tribunals which therein belong to two different nations;

That, the consular jurisdiction is an extension, and a first degree of jurisdiction of the tribunals of commerce and of admiralty, instituted in foreign countries by the nation to which the political conventions have given the right of consulat as well as the right of recurring to the public force, to ensure, the execution of the consular decisions;

That the limits of this jurisdiction depend only on the foreign government which has established it, and that this government may extend or contract it at pleasure, provided it does not attribute to it any action against the persons, the property, the police, and the local jurisdiction;

That in attributing to these tribunals dependent upon it, that which belongs to another equally dependent upon it, a government cannot, it is not proper for them to not go beyond them;

That recently the French government has given to the consulates of the republic the jurisdiction of sea-prizes, and has thus completely constituted them courts of admiralty;

That by that it only places one of the branches of the judiciary power; that the geographical position of a legally established tribunal neither alters the force, nor extent, nor independence of its jurisdiction;

That all intervention, direct or indirect, as to the French prizes, being formally interdicted the tribunals of the country, the admiralties of the two nations, however they may locally approach each other, are not the less separated from one another in the insurmountable barrier of political right.

That thus a French prize, remaining in a neutral port in virtue of treaties, is submitted to the consular admiralty in virtue of the right which nations have of organizing at pleasure their judicatures, as much sheltered from the action of any other local tribunal, as if it were in a French road;

For all these reasons, Citizen Hauterive, consul of the republic of France, considering that the New York district court has extended its jurisdiction to a French prize, the decision of which was pending in our tribunal;

That this intervention, proscribed by the treaties, not only tends to establish a clasping of jurisdiction between two tribunals, which cannot have communication together, but also to the annihilation of the consular tribunal, which is reduced to nothing, as soon as the public force, which the treaties have given it the right of demanding to support its judgments, is employed against it;

That if this error of the judiciary power could be authorized by the government, we must suppose that the government has the right of interfering, modifying, or destroying, the political compacts which unite the two nations, by the information and decision of the tribunals of one of these two nations:

We protest against the violation done to the rights of the nation we represent; we declare formally, that, whatever may be the decisions of the tribunal, which has arrogated to itself the judgment of the prize Catherine of Halifax, to the injury of the consular jurisdiction, the parties interested, who are amenable only to our tribunal, are not bound to conform to it. We declare this judgment to be null, and of no effect whatever; 1st, by the notoriety of the incompetency of the tribunal. 2d, because it would be given in contempt of our protest. 3d, because it would be for an unfitness in the judgment to make papers to elucidate the discussion being in our hands, never to go out of them. 4th, because the French republic being one of the parties, it would be necessary, in order to proceed regularly, that the judges should find in the American laws, that the French nation is amenable, in its political rights, to a private tribunal, and that they may be condemned by default.

We declare, in fine, that these rights shall remain entire, saving the requisition of damages and interest to the parties interested, and the demand of reparation for that of the two nations, who, in the diplomatic judgment (the only competent arbiter between friendly nations) will be acknowledged injured in its rights.

Further we declare, that the judgment of the fact is still pending in the consular tribunal of the republic at New York.

New York, June 21, 1793, 2d year of the French republic.

Certified to be conformable to the original.

Protest of the Consul of the republic of France against the seizure of the ship William.

Considering that no authority on earth has either the right or the power of interfering between the French nation and her enemies; that she alone is the arbiter and judge of the offensive acts which the support of her independence obliges her to make against the despotic governments condescended to replunge her into a state of servitude, from which, abandoned by her friends, and assaulted by so many enemies, she alone has been able to liberate herself; that the court of admiralty at Philadelphia, yielding at first to ill-founded reclamations, since recalling herself to the
principles of the law of nations, has acknowledged its incompetency to the decision on the legality of French prizes.

That hence it evidently results, that no local authority can take upon itself the information of a discussion which arise, or may arise, between nation and nation;

That nevertheless the Federal Government has placed a guard on the ship William, taken by the French galliot Citizen Genet, and by this matter of fact seems to declare, that, previous to all discussion, it meant to interfere in the conduct of the French war, and to ascribe the decision of the facts;

That, if the government interferes as local authority in the judgment of the facts, they deny and violate the principle expressly declared in the 17th article of the treaty between America and France;

That as a power invested by the nation to communicate with foreign governments, they interfere in the examination of the facts, and proceed by a method that is not known, in preceding a diplomatic discussion by an arbitrary and violent act, and by an execution purely military;

For all these reasons, we, Francis Dupont, consul of the French republic at Philadelphia, formally protest against the infringement committed on the rights of the French nation, by the local government of Philadelphia,

It being of that nation, that the minister of the French government is opposed to the exercise of our functions, we, in his name, reserve by the present protest, the pursuit in reparation for the violation of the conventional compacts, and the outrage against the French nation in the ministry of its agents.

Done in our consulate, Philadelphia, 23d June, 1793, 2d year of the French republic.

FROIOS DUPONT.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 17, 1793.

Sir,

I shall now have the honor of answering your letter of the 8th instant, and so much of that of the 14th, (both of which have been laid before the President) as relates to a vessel armed in the port of New York, and about to depart from thence, but stopped by order of the Government; and here I beg leave to premise, that the case supposed in your letter, is a common one, arising from the duty of the government, and from the protection of its citizens, and is not that in question, nor that on which I mean to answer; because, not having yet happened, as far as is known to the Government, I have no instructions on the subject. The case in question, is that of a vessel armed, equipped, and manned, in a port of the United States, for the purpose of committing hostilities on nations at peace with the United States.

As soon as it was perceived that such enterprises would be attempted, orders were given to prevent them, were despatched to all the States and ports of the Union. In consequence of these, the Governor of New York, receiving information that a sloop, heretofore called the Polly, now the Republican, was fitting out, arming, and manning, in the port of New York, for the express and sole purpose of cruising against certain nations with whom we are at peace, that she had taken on board, as cargo, casks of ammunition, and was on the point of departure, seized the vessel. That the Governor was not mistaken in this latter indication of her object, appears by the subsequent avowal of the citizen Hauetive, consul of France at that port, who, in a letter to the Governor, declares her, as "un vaisseau armé en guerre et prêt à mettre à la voile," and describes her object to these expressions, "Cet usage étrange de la force publique contre les citoyens d'une nation amie qui se réunissent-ici, pour aller défendre leurs frères;" and again, "Je requiers, monsieur, l'autorité dont vous êtes revetu, pour faire rendre a des Français, à des alliés, &c. la liberté de voyer au secours de leur patrie." This transaction being reported to the President, orders were immediately sent to deliver over the vessel, and the persons concerned in the enterprise, to the tribunals of the country; that if the act was of those forbidden by the law, it might be punished; if it was not forbidden, it might be so declared; and all persons apprized of what they might or might not do.

This we have reason to believe is the state of the case, and it is a repetition of that which was the subject of my letter of the 5th instant, which unmindful not merely on the single fact of the granting commissions of war by one nation, within the territory of another, but on the aggregate of the facts: for it states the opinion of the President, to be, that "The arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the sovereignty of the United States, as well as with the law of nations, and contrary to the avowal of the French nation, and and thereby tended to commit their peace." And this opinion is still conceived to be not contrary to the principles of natural law, the usage of nations, the engagements which unite the Two People, nor the proclamation of the President, as well as to the law and the instrument, permitting the preparation of hostilities in the ports of the United States. Its object was to enjoin on our citizens "a friendly conduct towards all the belligerent Powers;" but a preparation of hostilities is the reverse of this.

You think, sir, that this opinion is also contrary to the law of nature, and usage of nations. We are of opinion it is dictated by that law and usage; and this has been very maturely inquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. "Let us appeal to enlightened and disinterested judges." None is more so than Vattel. He says, 1, s. 104, "Tant qu'un peuple ne veut jour cover de cet état, il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au prejudice de l'autre, il ne pourra pas se plaindre, quand celui-ci le traitera comme adherent et associé de son ennemi. Sa neutralité serait une neutralité frauduleuse, dont personne ne ventera et faire du peu. Voyons donc en quen consiste cette impartialité qu'un peuple neutre doit garder.

"A vessel armed for war, and ready to put to sea.

"This strange use of public force against the citizens of a friendly nation who are united here, in order to go in defence of their brothers.

"I require, sir, the authority with which you are vested, to cause to be rendered to Frenchmen, to allies, &c. the liberty of flying to the succor of their country.

"As long as the neutral nations wish to enjoy this situation with certainty, it ought to show, in every thing, an exact impartiality between those who are at war. For, if it favor the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of its enemy. Its neutrality would be a fraudulent one, of which none would be the dupes. Let it then take care, that this opinion consists that impartiality which a neutral people owes to none but itself."

In regard war only, and the measure therefore consists in not furnishing, when not obliged thereto; but not to furnish freely, either troops, arms, ammunition, or any thing which directly serves for war. I say, to give no succor and not to give it equally; for it would be absurd in a State to succour two enemies at the same time. And, besides, it would be impossible to do it with equality; the same things, the same number of troops, the same quantity of arms, ammunition, &c. furnished in different circumstances, are no longer equivalent succor.
FRANCE AND GREAT BRITAIN.

"Elle se rapporte uniquement à la guerre, et comprend deux choses. 1. Ne point donner de secours quand on y est pas obligé; ne prendre que ce qui est armé, ou qui a armes à portée de main, ou munitions, si rien de ce qui sert directement à guerre. Je lui envoie dons de secours et non pas en donner de secours. Je lui envoie secours, et non pas en donner de secours en même temps deux ennemis. Et puis il serait impossible de le faire avec égalité, les mêmes choses, le même nombre de troupes, la même quantité d'armes de munitions, &c. fournies en des circonstances différentes; ne forment plus une chose, et même peu d'une même nature. 2. Ne point recevoir de la paix, si on ne peut pas en donner de la paix; poser d'ennemis pour ennemis, et non pas pour amis. Je leur prêture de la paix, et non pas en prêter de la paix.

I. This passage is a critique of the policy of giving aid to France in the Revolutionary War. The author argues against giving military aid to a nation at war, as it is not possible to treat all nations equally, and it is impossible to provide aid without also aiding the enemy.

II. The author also criticizes the idea of declaring war on another country, as it is not possible to justify or excuse infractions committed on positive treaties. The author argues that war is not a just cause for intervention, and that the United States should not be involved in foreign conflicts.

"But this second attempt being after full knowledge of what had been done on the first, and indicating a disposition to go on in opposition to the laws, we are to take their course against all persons concerned, whether citizens or aliens; the latter, while within our jurisdiction, and enjoying the protection of the laws, being bound to obedience from them, and to avoid disturbances of our peace within, or arts which would commit it without, equally as citizens are.

I have the honor to be, &c."

TH. JEFFERSON.

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 22, 1793, 2d year of the republic.

Sir,

...
izes our arming in the ports of the United States, and interdicts that privilege to every enemy nation. Besides, this act forms but a part of our conventional compacts, and it is in them, collectively, that we ought to seek contracts of alliance and commerce simultaneously made, if we wish to take their sense, and interpret faithfully the intentions of the people who cemented them, and of the men of genius who dictated them. If you cannot protect our commerce, and our colonies, which will, in future, contribute much more to your prosperity than to our own, at least do not expose them to the situation when they please, and by accepting, at this moment, the succor of their arms in the habit of trampling on tyrants, we do not commit the plagiat of which you speak. The true robbery, the true crime, would be to exclaim the courage of these good citizens, of these sincere friends to the best of causes.

I am ignorant, sir, of the constitutional judges to whom the Federal Government appear to have it in contemplation to refer the different questions of public right, which have arisen between us; but it appears to me, that these judges can be looked upon only as counsellors, since no particular tribunal has the right or the power to interpose between two nations, whose only arbiters, when they have a sincere desire to live fraternally and amicably together, must be, in the present state of human societies, good faith and reason.

Accept, sir, the expression of my esteem, and my respectful sentiments.

GENET.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

PHILADELPHIA, June 11, 1793.

SIR: I had the honor of laying before the President your memorial of the 22d of May, proposing that the United States would now pay up all the future instalments of their debt to France, on condition that the sum should be invested in produce. The President having fully deliberated on the subject, I have now the honor of enclosing you a report from the treasury department, made in consequence thereof, and explaining the circumstances which prevent the United States from accepting to that proposition.

In fact, the instalments, as they are settled by convention between the two nations, far exceed the ordinary resources of the United States. To accomplish them completely and punctually, we are obliged to anticipate the revenues of future times, by loans to as great an extent as we can prudently attempt. As they are arranged, however, by the convention, they give us time for successive and gradual efforts. But to crowd these anticipations all into a single one, and that to be executed in the present instant, would more than hazard that state of credit, the preservation of which can alone enable us to meet the different payments at the times agreed on. To do even this, hitherto, has required, in the operations of borrowing, time, prudence, and patience; and these operations are still going on in all the extent they will bear. To stop them here, this would be to defeat them, both now and hereafter. We beg you to be assured, and through you to assure your nation, that among the important reasons which lead us to economise and foster our public credit, a strong one is, the desire of preserving to ourselves the means of discharging our debt to them with punctuality and good faith, in the times and sums which have been stipulated between us. Referring to the enclosed report for a more particular development of the obstacles of the proposition, I have the honor to assure you of the sentiments of particular esteem and respect with which I am, sir, your most obedient and humble servant,

TH. JEFFERSON.

The Secretary of the Treasury, to whom was referred a communication from the Minister Plenipotentiary of the republic of France, on the subject of the debts of the United States to France, respectfully makes the following report:

The object of this communication is to engage the United States to enter into an arrangement for discharging the residue of the debt which they owe to France, by an anticipated payment of the instalments not yet due, either in specie, or bank bills of equal current, or government bonds, bearing interest, and payable at certain and specified periods, upon condition that the sum advanced shall be invested in productions of the United States, for the supply of the French dominions.

In the first place, the second expedient, namely: a payment in specie or bank bills, the resources of the treasury of the United States do not admit of its being adopted. The Government has relied, for the means of reimbursing its foreign debt, on new loans to be made abroad. The late events in Europe have thrown a temporary obstacle in the way of these loans, producing, consequently, an inability to make payment by anticipation of the residue of the debt hereafter to grow due.

With regard to the second expedient, that of government bonds, payable at certain specified periods, this, in substance, though in other forms, has repeatedly come under consideration, and has as often been declined as ineligible. Great inconveniences to the credit of the Government, tending to derange its general operations of finance, have been, and must continue to be, perceived in every plan which is calculated to throw suddenly upon the market a large additional sum of its bonds. The present state of things, for obvious reasons, would serve to augment the evil of such a circumstance, while the existing and possible exigencies of the United States admonish them to be particular; above all, at a time when it is most to hazard or impair their credit.

These considerations greatly outweigh the advantage which is suggested as an inducement to the measure (the condition respecting which is the principal circumstance of the difference between the present and former propositions) to arise from an investment of the sum to be advanced, in the products of the United States, in an advantage on which, perhaps, little stress can be laid in the present and probable state of foreign demand for these products.

The motives, which dissuade from the adoption of the proposed measure, may, it is conceived, be the more readily yielded to, from the probability that the utility of it to France might not, on experiment, prove an equivalent for the sacrifices which she might have to make in the disposition of the bonds. All which is humbly submitted.

ALEXANDER HAMILTON,

Secretary of the Treasury.

TREASURY DEPARTMENT, June 8, 1793.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 14, 1793, second year of the republic.

SIR: It is the character of elevated minds, of freemen, not to expose themselves twice to a refusal. I have requested you to make known to the President of the United States the urgent necessities of the French republic. I have not
hidden from you, that, having armed near a million of soldiers, they have experienced a considerable deficiency in their produce; and that they, with their colonies, would be consigned to the horrors of famine, if the United States should not furnish them, on account of their debt, a part of the subsistence which they want. I have offered you, in virtue of my powers, to take in payment, in default of money, bills, or obligations of the State, bearing interest till the epoch fixed by our convention for the reimbursement of your debt. I have endeavored to convince you of the advantages which would result from this operation for the two countries, and more particularly for America, at a time when they have a superabundance of grain and flour; but observing, sir, by the letter which you wrote to me on the 11th, and, stated by the report of the Secretary of the Treasury, that none of our propositions have been accepted, I am writing you this letter entering into the financial reasons which operate this refusal, without endeavoring to prove to you that it tends to accomplish the inferior system of the King of England, and of the other kings, his accomplices, to destroy by famine the French republicans and liberty—I attend, on the present occasion, only to the calls of my country; and as its necessities and those of the colonies become daily more pressing; as it has charged me to write for them at whatever price it might be: I request you, sir, to inform the President of the United States, that, being authorized, in the name of the French republic, to give assignments to the American merchants or farmers, in payment of the provisions they may furnish, from the want of other advances on the part of the United States, I request, in order to place me in a situation to use this power, that he prescribe to the Secretary of the Treasury to adjust with me immediately the amount of the debt of the United States to France.

The expedient to which I am about to have recourse, will, probably, be onerous to the French nation; but as the Federal Government thinks it may take on itself to place us under the necessity of employing it, without consulting Congress upon so important a matter, I am obliged to follow my instructions.

GENET.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister of France.

PHILADELPHIA, June 19, 1793.

SIR:—

According to the desire expressed in your letter of the 14th instant, the President will give the instructions necessary for the settlement of the instalments of principal and interest, still due from the United States to France.

This is an important and necessary transaction; and though it has not been very easy for me to determine what is the most proper way of doing it were to be had here at this moment, yet we shall be pleased to find that they may. In the mean time, what is further to be done, will doubtless be the subject of further reflection and inquiry with you; and particularly the operation proposed in your letter will be viewed under all its aspects. Among these, we think it will present itself as a measure of great advantage and practical utility, deeply interesting to the credit of the United States, and too unpromising in its result to France, to be found eligible to yourself. Finally, we rest secure that what is of mutual concern will not be done but with mutual concert.

I have the honor to be, &c.

THOMAS JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 15, 1793, second year of the republic.

SIR:—

The citizen Hauterive, consul of the republic at New York, has this moment informed me, that a discussion has arisen between him and the government of the state in which he resides, respecting the Embuscade frigate, upon a point of right. The question is, whether, in a neutral port, an armed vessel ought to allow a truce of twenty-four hours to enemy vessels to go out of it? The citizen Hauterive received a formal requisition on this subject, from the Governor, relative to the departure of the English packet, who, without saying positively, that the local government had right to honor the frigate’s going out before the expiration of the truce of twenty-four hours, and that he would use such right, gave him to understand, and appeared to believe that it was universal.

The citizen Hauterive, sir, has confined himself to a reference of this matter to me, requesting instructions on the subject for himself and the captain of the frigate. I enclose herein a copy of those which I have just transmitted to him. They have been drawn up on mature examination of the question; and though I opinion it might be stated, and that not only the duration of the truce, but also the time at which it shall commence, should have been defined; but this investigation is superfluous. The question which you propose to me, citizen, is long since decided by the European powers, who have regulated with each other the principles of neutrality. The principle of neutrality may be found in the maritime convention of the Northern powers; in the treaties of commerce which these same powers have mutually entered into; in fine, almost with those which Russia has concluded with France, Austria, Portugal, and the two Sicilies; and none of these, entered into with the view to favor the navigation of neutral nations, have had the awkwardness to make mention of a truce to be given by the armed vessels of the Powers at war, to the enemy vessels of those Powers which may be found in neutral ports.

The first of the four maxims of neutrals, which almost every nation, England excepted, regards as the palladium of its respectability, is that every vessel may navigate freely, from port to port, on the coasts of nations at war. This right, derived from the right of nations in necessarily reciprocating the Powers who have acceded to the principles of the neutrality, have never contested it; and I cannot tell, you, citizen, how much I am surprised, that the Governor of the State of New York should take advantage of the political opinions promulgated by the United States, to subject our vessels of war to an indefinite truce, which would be a dangerous restraint, contrary to the letter, to the spirit of our treaties, and which, at most, could be required from a vessel of an indifferent State, with whom neither obligation nor engagement has been contracted.
In the present state of things, citizen, all that the Government of the United States can require, is, that we commit no hostilities against our enemies on the territory, and in the waters of the United States; and in renewing to you the order, attentively to observe that our vessels attend to this reservation, I recommend that you oppose with energy, analogous to the sentiments of friendship, all you have reason to know, and that which would deprive our vessels, armed or unarmed, of the liberty they ought to enjoy in the ports of the United States, in virtue of our treaties, and in virtue of the only principles which have been diplomatically established on the rights of neutral nations, which, as I have already said, being founded on the right of nature, the basis of the rights of man, implicitly comprehended reciprocity, an elementary condition of all the acts dictated by equity and justice.

Let those who have another code, and other titles to present to us, produce them; and, in the meanwhile, the English of New York, instead of unreasonably putting themselves under the protection of principles which their government are determined not to acknowledge, and which it has violated in all wars, keep themselves quiet, or run the chance of sailing in the presence of our forces.

Certified conformable to the original.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 18, 1793. 2d year of the French republic.

SIR: I have examined the correspondence which has taken place between you and my predecessor, relatively to the requisition of funds which he has made on the Federal Government, to pay off certain drafts of the administrators of Saint Domingo, and to procure provisions for that colony. I pay due respect, sir, to the justness of the observations which you communicated on the subject: in the case of the preceding instance, I can only submit to the pressing instances of the administrators of Saint Domingo, I conceive that this requisition must have embarrassed your government infinitely; and, under this view, I feel all the obligations we owe you, for having, as you yourself expressed it, less consulted prudence than friendship in yielding to it. You have with propriety remarked, sir, that the decree, which appropriated for the necessities of the colonies four millions from the debt of the United States to France, not being yet transmitted to the Federal Government, in the usual official form, should not have an application so positive, so determined as that which the commissioners of the administration of Saint Domingo had given it; and that it was probable the ministers of France had had recourse, in order to supply the wants of this colony, to operations of another nature than those which took place. In fact, sir, the drafts for the payment of which the commissioners of Saint Domingo, pressed by imperious circumstances, have, in some degree, obliged the citizen Terran to demand funds of you, have neither been authorized by the National Convention, nor by the Executive Committee; and I must even inform you, that I am forbidden to pay, out of the funds placed at my disposal, any other than those drafts which shall have been accepted by the consul La Forest, in virtue of orders from my predecessor. But, on my arrival here, I was informed that this consul had received orders from the minister plenipotentiary to register all drafts issued by the administration of Saint Domingo, and to pay them out of the new funds which the Federal Government had provisionally granted, on the basis of the decree of the 26th June, although it was not officially notified. I have not thought proper, sir, to stop suddenly the payment of these drafts, in the hope that the mode of reimbursing your debt, which you at my request have laid before the President of the United States, would be adopted by him, and give me the means, first, to honor the drafts registered in my predecessor, the payment of which had been ordered by him; secondly, to provide, at the same time, for the urgent necessities of France and her colonies; but having been deceived in my expectation, by motives which are not for me to examine, I find myself deprived of the advantage of canceling all drafts, and constrained to obey only the equivalents which states, which prescribe me to suspend the payment of the colonial drafts, and to employ the funds destined for their acquittal to the purchase of provisions for France and her colonies. This arrangement, sir, need not alarm either the bearers of the registered drafts, or those of the other drafts issued and not registered, of the administrators of Saint Domingo, and other colonies of the French republic. The nation will certainly fulfill towards them the engagements contracted by its agents. I know that they have destined particular funds for this purpose. I also know that the colonies have made contributions in kind to fulfill their obligations, and provide themselves for a part of their wants; and it is according to these ideas that I have determined to have inserted in the public papers the equivalents which are the means of the payment of the drafts of which I am obliged to set aside, and to encourage the citizens of the United States to continue to carry succor to their brothers the French republicans of the, the Antilles, whose fate depends on this generous act without which the French colonies will be reduced by famine, to get themselves under a government whose commercial principles would not assuredly be so advantageous to the United States, as those which an enlightened policy and united attachment for the American people have led us to embrace.

GENET.

Citizen Genet, Minister Plenipotentiary of the French republic, to the citizens of the United States.

Whereas several American citizens, who have furnished provisions to the colonies of the French republic in the West Indies, have received bills drawn by the administrators of the respective colonies on citizen La Forest, late consul general of the republic in the United States, and lately on myself; in payment for such supplies I inform them, that these drafts will certainly be paid, the National Convention having appropriated large sums for that object; but, in order to prevent confusion, I can only state that I have nothing further to add than the bills as have not yet been registered by citizen La Forest, to have them recorded in the office of citizen Dupont, consul of the French republic at Philadelphia, in order to ascertain the dates of their presentation; at the same time I cannot too much encourage the citizens of the United States to continue to assist, with unremitting exertions, their republicans in the West Indies, whose existence is the barrier which protects the liberties of the French, and who have as much a right as ourselves to demand protection from our government. The nation, and consequently the procuring the payment of their National payment for their National Convention, with regard to the colonies of the French republic, must essentially contribute to the prosperity of the United States. The American citizens may rest assured, that the most efficacious measures have been taken, as well in the United States, as in the French republic, for the preservation of the rights of the latter nation, and for the employment of the means which are necessary for the security of the United States.

PHILADELPHIA, June 17, 1793, 2nd year of the French Republic.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

PHILADELPHIA, June 33, 1793.

SIR: In answer to your letter of the 18th instant, on the subject of the bills drawn by the administration of St. Domingo, in favor of certain citizens of the United States, I am instructed to inform you, that the funds thereto mentioned have been so clearly understood, on all hands, to be specially appropriated for the payment of the bills
which were recognised by the former agents of France here, as to be incapable of being diverted, without disappointing the just expectations of our citizens, holders of those bills.

Indeed, the Government has been so much a party in countenancing those expectations, as, in such an event, to lie under an obligation, in point of propriety, to satisfy the parties themselves to the extent of the balance which yet remains to be advanced.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

Philadelphia, June 23, 1793.

Sir:

I have the honor to inform you, that, in consequence of the general orders given by the President, a privateer, fitted out by English subjects within the State of Georgia, to cruise against the citizens of France, has been seized by the Governor of Georgia, and such legal prosecutions are ordered as the case will justify. I beg you to be assured, that the Government will use the utmost vigilance to see that the laws which forbid these enterprises, are carried into execution.

I have the honor to be, &c.

* * *

TH: JEFFERSON.

[translation:]

Philadelphia, June 25, 1793, 2d year of the republic of France.

Extracts from the reports of the Consuls and Vice Consuls of the French republic at Charleston, Baltimore, Philadelphia, and New York, to Citizen Genet.

[Charleston, from the 24th of May, to the 6th June.]

A Bermudian vessel has purchased 4 cannon in this port, to protect her in returning. A Dutch vessel, which entered this port without guns, has sailed with 14. English vessels have been in like manner armed here.

Baltimore, June 21.

An English vessel called the Trusty, captain Hale, has been publicly armed as a privateer in this port, by Mr. Ireland of this city. The vice consul has complained of it to the Governor and attorney general of the State of Maryland.

Philadelphia, June 21, 1793.

A Bermudian vessel belonging to the subjects of the King of England, mounting twelve cannon, purchased in this city, sailed on the 2d instant. There had sailed some days before, an English armed vessel of four guns. The consul had not been informed of them before the date of his report.

New York, June 18, 1793.

The Swallow, an English letter of marque, commanded by Captain Lion, armed with eight cannon and twenty men at least, and appearing to be of about 150 tons burden, has anchored so long in this port, as to exclude the idea of her having entered in distress; though the 17th article of the treaty of commerce between France and America, formally excludes from the ports of both, the enemy vessels who shall have made prizes, and every English privateer which enters is authorized by the English Government to take, burn, and destroy, our vessels.

It has always remained a question, whether an armed vessel of that nation, on entering, has executed those orders or not. The consul Hauterive has transmitted these observations to the Governor of the State of New York, giving him to understand, that every vessel armed for war, and belonging to our enemies, being subject to the exclusion contained in our conventional laws, should be obliged to go out of the port of New York.

Other reports have come to the knowledge of Citizen Genet, by indirect channels, that several other armaments have been made by the enemies of the republic in American ports, and that these vessels have taken on board, without opposition, a great number of trophies, citizens of the United States, while some good whigs, friends of France, who have taken part in her cause on board her vessels, have been arrested and thrown into prison, whence the citizen Genet has not yet been able to liberate them without security.

Certified conformable to the reports which have been made to me, the minister plenipotentiary of the republic of France.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

Philadelphia, June 30, 1793.

Sir:

I have to acknowledge the receipt of your favor of the 25th instant, on the subject of vessels belonging to the enemies of France, which have procured arms within our ports for their defence. Those from Charleston and Philadelphia have gone off before it was known to the Government, and the former, indeed, in the first moments of the war, and before preventive measures could be taken in so distant a port. The day after my receipt of your letter, the communications now enclosed from the Governor of Maryland came to hand, and prevented our inter-
FOREIGN RELATIONS.

Extract of a letter from the Governor of Maryland to the Secretary of War.

Maryland, Annapolis, June 22, 1793.—In Council.

Sir:—The enclosed copies of a letter written by this Board to the collector of the customs at the port of Baltimore, and of the answer thereto which we have just received from his deputy, will sufficiently explain the first case which has seemed to call for our interference since the receipt of your communications respecting the fitting out of fighting vessels within our jurisdiction.

"You will see, sir, that most probably, through a step not contemplated by us, that one of the officers applying to Mr. Ireland himself for the information we desired, the ship has got out of our reach. We can therefore only endeavor to be better prepared for future occurrences of this kind, which we are told may be expected at the same place."

In Council, June 20, 1793.

To the Collector of the Customs at the port of Baltimore.

Baltimore, June 21, 1793.

The collector of the customs being absent in the country for the benefit of his health, I have the honor of receiving your Excellency's communications respecting a British ship said to be preparing for sea, in an offensive situation, inconsistent with the tenor of the President's proclamation, and the neutrality of the United States.

I presume that the ship Trusty, John A. Hale, master, is the vessel alluded to; she arrived at this port from Barbadoes on the 1st day of March, and cleared for the same island, on the 17th of the present month, her cargo consisting of flour and lumber.

Mr. Ireland has informed me that she mounts four small guns, that her crew consisted of twenty men when she arrived, and that she had not more than seventeen on board when she cleared. She is upwards of three hundred tons burden.

Vague report, however, differing from the preceding account, I determined to go on board the ship for the purpose of obtaining accurate information, but was prevented by her getting under way and proceeding down the river, on her intended voyage. I have the honor to be, &c.

D. DeLosier, Deputy Collector.

His Excellency Thomas S. Lee, Esq., Governor of Maryland.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary from the republic of France to the United States.

Philadelphia, June 25, 1793.

Sir:—In the absence of the President of the United States, I have consulted with the Secretaries of the Treasury and War, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, concerning which I had the honor of a conversation with you yesterday, and we are so well assured of the President's way of thinking in these cases, that we undertake to say, it will be more agreeable to him, that such vessels should be detained under the orders of yourself, or of the consuls of France in the several ports, until the Government of the United States shall be able to inquire into, and decide on, the fact. If this arrangement should be agreeable to you, and you will be pleased to give the proper orders to the several consuls of your nation, the Governors of the several States will be immediately instructed to detain the said vessels on whose behalf such suggestions shall be made, until the Government shall decide on their case. It may sometimes, perhaps, happen, that such vessels are brought into ports where there is no consul of your nation resident, nor within any convenient distance. In that case, the Governors would have to proceed to the act of detention themselves, at least until a consul may be called in.

I have the honor to be, &c.

TH. JEFFERSON.

[Translation.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

Philadelphia, June 26, 1793, 2d year of the republic.

Sir:—The letter which you have done me the honor to write since the departure of the President of the United States, contains dispositions worthy of your wisdom, and of the sentiments which characterize you. The arrangement you propose, sir, suits us in every respect. I shall communicate them to the consuls and vice consuls of the republic, and in recommending them to conform to them, I shall add to the instructions already given on the subject of prizes, new regulations, the rigid execution of which will prove to the Federal Government, that we regard
it as the first of our duties to respect all the rights of sovereignty of the United States, to undertake nothing that may be disagreeable to them, and to unite all our efforts to perpetuate and to cement more and more the connexions which so happily unite our two republics.

GENET.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

PHILADELPHIA, June 29, 1793.

SIR:—The persons who claimed the ship William as taken within the limits of the protection of the United States, having thought proper to carry their claim first into the courts of admiralty, there was no power in this country which gave them a right to insist that it should be decided, itself, whether it had jurisdiction or not of the cause; having now decided that it has not jurisdiction, the same complaint is lodged with the Executive.

I have the honor to enclose you the testimony wherein the complaint is founded. Should this satisfy you that it is just, and that you will be so good as to give the consuls of France at this port your orders to take into his custody and deliver her to the owners. Should it be over-weighed in your judgment, by any contradictory circumstance, which you have, or may acquire, I will ask the favor of a communication of that evidence, and that the consul retain the vessel in his custody until the Executive of the United States considers and decide finally on the subject. I have the honor to be, &c.

TH: JEFFERSON.

MARYLAND, Saint Mary's County, ss.

Benedict Wheatley, of Saint Mary's, regularly admitted and qualified as a branch pilot for the Chesapeake bay and Potomac river, being duly sworn, deposes and sayeth, that on Friday, the third day of May last past, being on the look-out for inward bound vessels, fell in with the ship, William, James Legget, master, from Germany, bound to Potomac, about nine miles to the eastward of Cape Henry; he immediately took charge of the ship as pilot, and after being on board for one hour, and running into the mouth of the bay, with a leading wind, a small schooner hove in sight, coming out from the capes; she run up along side, fired one gun and hailed them, and the ship, Captain Legget hoisted his English ensign, on which he was ordered from the schooner to strike; the colors after some time were hauled down, and a boat from the schooner, with a lieutenant and six men, came on board and took possession of the ship, as a prize to the schooner Cincinatus; a prize master was ordered on board, and all the hands of the ship were put to boarding-scholar to the carpenter and two or three others.

After the capture, an inquiry was made of the deponent what course would clear the Middle Ground. The necessary information was given, and he the deponent, after being offered a considerable reward to carry the ship to Philadelpia, declined it, and was put on board a pilot boat that came along side at the mouth of the river.

The deponent further sayeth, that he understood from the captors, that the schooner was from Charleston, South Carolina, and commissioned at that place by the French ambassador, lately arrived from France; that the captain, whom the deponent did not see, was said to be a Frenchman, but all the men who boarded the ship appeared to be Americans, and he was told the ship was armed fifty guns; he further sayeth, that at the time the ship was boarded, the distance from the ship to the light house on Cape Henry, did not exceed five miles at the utmost. The deponent inquired what distance from the land they were authorized to take prizes; he was answered, not less than nine miles; on which he replied that the ship at the time of capture was not half that distance from the light house on Cape Henry.

Sworn before me, the subscriber, one of the justices of the peace for the county and State aforesaid, this 18th day of May, 1793.

M. JONES.

STATE OF MARYLAND, Saint Mary's County, to wit:

These are to certify, that Mordecai Jones, Esq., before whom the within deposition was made, and who, in witness thereto, appears to have subscribed his name, was, at the taking and subscribing the same, and now is, one of the justices of the peace for the county aforesaid; that he hath been duly qualified as a justice of the peace for the county aforesaid, and that to all certificates of probates before him made, and by him signed, due faith and credit is and ought to be given, as in justice court as therewith.

In testimony whereof, I have hereunto set my hand and affixed the public seal of office for St. Mary's county court, this 20th day of May, Annouque Domini 1793.

TIMOTHY BOWES, Clerk of St. Mary's County Court.

By this public instrument of protest, be it made known and manifest, unto all who shall see these presents, or hear the same read, that, on the 18th day of May, in the year of our Lord 1793, before me, Asbeton Humphreys, notary and tabellion public, in and for the commonwealth of Pennsylvania, by lawful authority duly admitted and sworn, dwelling in the city of Philadelphia, in the said county aforesaid, personally appeared James Legget, late master of the ship William, now in this port of Philadelphia, John Whiteside, late chief mate of the said ship, James Samsay, second mate, and James Marston, boatswain, belonging to the said ship, and being severally sworn on the Holy Evangelists of Almighty God, did respectively depose, testify, declare, and certify, in manner following, that is to say: That, on or about the 16th day of February last, they sailed in and with the said ship from Bremen, upon the river Weser, with the wind at northeast, bound on a voyage to Maryland, in North America, and on the 23d day of the same month, came to an anchor at Strenness, in the Orkades, with a contrary wind; that on the 27th day of March last they sailed from Strenness aforesaid, with the wind at southeast; and on the 21st day of April last, the wind blowing very hard, split the foresail, which obliged them to lay the ship to, with the reduced mainsail, the wind being at west and south; that on the 29th day of April aforesaid, being then in the latitude 36 degrees 36 minutes north, heavy gale of wind blowing from the southeast, split the main-topgalland; and on the 3d day of May instant, at 2 o'clock P. M. they got a pilot on board, and at four o'clock, P. M. of the same day, the said ship being then about two miles off the lighthouse at Cape Henry, in five fathoms water, and as near the shore as the pilot on board judged it proper to go, the private schooner Genet, commanded by Peter Joanna, from Charleston, fired one gun, and took possession of the said ship, and the said ship the master, chief mate, second mate, boatswain, four of the seamen belonging to the said ship, and three seamen, all of whom were put on board the said private; and a prize master and seven people were put on board the ship; and the ship and prize being so joined, all hands on shore, together with the said private, arrived at this port of Philadelphia the 14th day of May instant, at about four o'clock in the morning, having been at sea from the place where they had been last, one by one, alternately on shore, until this day, when, all of them being on shore, they took the opportunity, it being the first time they had, of proceeding to the court of admiralty in the said ship William. Wherefore the said James Legget, John Whiteside, James Samsay, and James Marston, for themselves, their owners, freighters, merchants, mariners, and all other interested or concerned in the said ship, or her cargo, have protested, and by these presents do solemnly protest, against the capture of the said ship William, by the said private schooner Genet, and against all losses, costs, charges, damages, breaches of bills of lading, contracts, covenants, and agreements whatsoever, already suffered, sustained, or occasioned, or which shall or may
A complaint is lodged with the Executive of the United States, that the Sans Culottes, an armed privateer of France, did, on the 8th of May last, capture the British brigantine Fanny, within the limits of the protection of the United States, and sent the said brig as a prize into this port, where she is now lying.

I have the honor to enclose you the testimony whereon the complaint is founded. Should this satisfy you that it is just, you will be so good as to give orders to the consul of France at this port, to take the vessel into his custody, and deliver her to you.

Should it be overweighed, in your judgment, by any contradictory evidence which you have, or may acquire, I will ask the favor of a communication of that evidence, and that the consul retain the vessel in his custody, until the Executive of the United States shall consider and decide finally on the subject.

I have the honor to be.

TH: JEFFERSON.

Virginia, to teils;

To all persons whom it may concern, I, John Nivison, notary public for the district of Norfolk, by lawful authority duly admitted and qualified, do hereby certify and make known, that Captain Michael Pile, late master of the brig Fanny, David Mac Intosh, mate, and John Mac Cattie, one of the sailors, personally appeared before me, and being duly sworn on the Holy Evangelists of Almighty God, deposed and said, that they sailed from Lucia, in the island of Jamaica, on the 14th day of April last, having on board a cargo of rum and sugar, and bound on a voyage to Baltimore, she being in good order for the voyage; that on the seventh day of May, at ten P. M. being off the mouth of the Chesapeake bay, Cape Henry bearing, by computation, N. W. by W. distant about seven leagues, they were haled by a schooner, and were informed that there was a pilot on board for the Chesapeake; they answered that they should not stay for a pilot till the morning; that the wind being at N. E. they steered N. N. W. sailing at the rate of four miles per hour, until half past four A. M. on the eighth, when, being in eight fathoms of water, Cape Henry bearing N. W. by W. or N. W. distant as above, by computation, four or five miles, they were captured by the boat aforesaid, which, to their great surprise, proved to be a French privateer, called the Sans Culottes, J. B. A. Ferry, commander, mounting four guns and two swivels, manned with forty-five men; that they were deprived of the vessel and cargo aforesaid, and were detained on board the privateer until the eleventh of the same month, when they were set on shore in Lynnhaven Bay, in the State aforesaid, and that on the same day they arrived at Norfolk.

MICHAEL PILE, Master,
DAVID MAC INTOSH, Mate,
JOHN MAC CATTIE, Seaman.

Wherefore, I, the said notary public, at the request of the said deponents, did, and do now, hereby solemnly protest against the privateer and her crew, for all the losses, costs, charges, damages, and expenses, suffered or to be suffered by any person or persons whomsoever interested or concerned in the said brig or her cargo, or any part thereof, on her voyage aforesaid, by reason of the capture by the privateer aforesaid.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the seal of my office, this 18th day of May, 1793.

[Signature]

J. GIVISON, Notary Public.

BRITISH CONSUL'S OFFICE, State of Virginia.

These are to certify, that John Nivison, Esq. before whom the foregoing protest was made, is notary public for the district of Norfolk, in the State aforesaid, and that full faith and credit is justly due to such attestation.

Given under my hand and seal of office, at Norfolk, this 14th of May, 1793.

JOHN HAMILTON, Consul.
and, being thus dispersed and separated from the said brigantine, he, this deponent, is thereby deprived of their testimony, which he could have obtained if they had been sent into the port of Philadelphia with the said brigantine; and further this deponent saith not.

MICHAEL PILE.

Taken and sworn at the city of Philadelphia, this 24th day of June, 1793, before me,

JOHN BARCLAY, Alderman.

[TRANSLATION:]

The Minister of the French republic with the United States, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 8, 1793, 2d year of the French republic.

SIR:—The French armed vessel Le Vaillant de la Bastille, of American construction, and hereof bearing the name of Hector, has sailed from Charleston, furnished with a French commission, and her old American register, which the commander Hervieux, sent to the custom house, after having cleared the bar of that port.

This conduct, condemnable only for its timidity, has led the custom-house of Charleston to require the government of South Carolina to cause him to be arrested; and, in consequence, Le Vaillant de la Bastille has been seized at Wilmington, together with a prize which she took in there. The President of the United States inflict no punishment in the present case, only where there has been an intention of avoiding the duties imposed by the United States; and, as it proceeded by the war commission, and by the instructions in Captain Hervieux’ possession, that he went out of the port of Charleston only to resist, as much as possible, the unjust attacks of our enemies—a duty which all the treaties authorize him to fulfill, and which no law of the United States, and, consequently, no order of the Executive of these States, can forbid him to fulfill—I request you, sir, to desire of the Federal Government the liberation of Captain Hervieux, and of his crew of the Vaillant de la Bastille, hereof the Hector, and of her prize, now detained in the port of Wilmington, North Carolina.

GENET.

The Citizen Genet, Minister Plenipotentiary, of the French republic; to Mr. Jefferson, Secretary of State.

PHILADELPHIA, July 9, 1793, 2d year of the French Republic.

SIR:—You required of me details relative to the brigantine la Petite Demoiselle, hereof la Petite Sarah, at present armed, and ready to go out of the Delaware. They are as follow: This vessel, sir, of English property, armed by our enemies with four cannon, and other arms, was taken by the Embuscade frigate, belonging to the republic of France, and sent into Philadelphia. Her construction being elegant and solid, her bottom coppered, and a swift sailer, her masts and rigging being in a good condition, I have thought, on the report of the captain of the Embuscade, and other enlightened mariners, that the acquisition of this vessel would be advantageous to the marine of the republic; and this consideration, joined to the desire I had of finding employment for a great number of French marines, who were here exposed to the dangers which often attend idleness, and to misery, determined me to take her on account of the State.

I have had her repaired. I have completed her armament with cannon which I found on board of four French vessels, and given the command of her to citizen Amiot, ensign of the republic; and, when ready, I shall despatch her with a commission of the Executive Council, and with my particular instructions. I shall confine myself, sir, to represent you these facts, which require no discussion on my part, and which cannot create any difficulty on that of your government. When treaties speak, the agents of nations have but to obey.

Accept, sir, my esteem and respect.

GENET.

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 9, 1793, 2d year of the French republic.

SIR:—The consul of the French republic, in this State, four days ago, requested the Governor of Pennsylvania to order out of the port of Philadelphia, the Jane, an English privateer, armed with sixteen cannon, which vessel came in the fourth of this month, without any appearance of distress.

The Governor replied to him, that he could not take any measures, in this respect, during the absence of the President of the United States. Although this reply, sir, is accompanied with very obliging and amicable expressions, I think it my duty to observe, that, according to the tenor of the twenty-second article of our treaty of amity and commerce, it is not necessary to await the decision of the President, to cause this privateer to depart, not having come in here in distress, and having had time to take in more provisions than is necessary to go to the nearest port of the Power under which she holds her commission, and, according to different reports which I have just received, is augmenting her armament.

The treaties being considered by the American People as the most sacred laws, the local governments of the United States are bound to acknowledge them, and all the magistrates obliged to execute them without delay. I, therefore, request you, sir, to present these considerations to the Governor of Pennsylvania, and induce him to fulfill, against the privateer Jane, the duties which our treaties impose on him.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, July 12, 1793.

SIR:—The President of the United States, desirous of having done what shall be strictly conformable to the treaties of the United States and laws, respecting the several representations, received from yourself, and the minister plenipotentiary of Great Britain, on the subject of vessels arming, or arriving within our ports, and of prizes, has determined to refer the questions arising thereon to persons learned in the laws. As this reference will occasion some delay, he will expect from both parties, that, in the mean time, the Little Sarah, or Little Democrat, the ships Jane and William, in the Delaware, the Citoyen Genet, and her two prizes, the Lovely Lass and Prince William Henry, and the brig Fanny, in the Chesapeake, do not depart, until his ultimate determination shall be made known. He hopes, therefore, that the delay will be as short as possible, and that the object being to obtain the best advice possible, on the sense of the laws and treaties, respecting the several cases, I am persuaded you will think the delay well compensated.

I have the honor to be, &c.

TH. JEFFERSON.
The Citizen, Genet, Minister from the French republic to the United States, to Mr. Jefferson, Secretary of State of the United States.

Philadelphia, July 9, 1793, 2d year of the republic.

Sir:

I have already frequently had the honor of conversing with you on the revolving treatment which the English vessels of war use on the high seas towards American vessels. I have informed you of the severe visits to which they subject them, and of the seizures they make on board of them, and under the protection of the flag of the United States, of the persons and property of the French citizens.

The reports of all the navigation and commerce of the present, the complaints enclosed present new proofs. I requested the board of the United States to communicate them to the President of the United States, and to be so obliging as to inform me of the measures he has taken, or those he proposes to take, to cause our enemies to respect the flag of the United States as much as we ourselves do, and to have delivered to our fellow-citizens the property of which they have unjustly deprived us.

I must observe to you, sir, that, as the English will probably continue to carry off with impunity our citizens, and their property, on board of American vessels, without embarrassing themselves with the philosophical principles proclaimed by the President of the United States, the engagements we have contracted with you placing us in the most friendly condition, with us, in depriving us of the privilege of using, at every port, with regard to them, the right of reprisals, it is as necessary for your as for our interest, that we should agree quickly to take other measures. I expect immediately, sir, a positive answer from the Federal Government on this subject; and I beg of you to object to respect a neutral flag, if they are not at present in a situation to compel the English to justice, whom they have formerly conquered, that we should expose ourselves and them longer, by a misplaced complaisance, to the insults of that nation, towards whom generous proceedings generally lead only to new outrages.

GENET.

COPY OF A DECLARATION AND PROTEST.

This day, the 27th of June, 1793, 2d year of the French republic, past 12 o'clock, afternoon, before us, John Baptiste Lemaire, Chancellor of the Consulate of the said republic, established at Philadelphia, in the State of Pennsylvania, one of the United States of America, the undersigned, and in the presence of the witnesses heretofore named, appeared the citizen Silvat Du Camp, de la Bastille Clairière, department of —, for the purpose of signing the present declaration.

That, having departed from the island of St. Lucie, on the 9th of May, 1793, as passenger on board the American brigantine Columbia, Captain John Green, of this city of Philadelphia, for this port, an English privateer, the brigantine Fancy, Captain Bloombery, of St. Vincent, captured the said brigantine Columbia, without firing a shot, on the 16th of said month of May last, and conducted her into the port of Basseterre, Saint Christopher's, where he arrived the same day, and where he found six or seven other American vessels, which had also been carried in there by force.

That the merchantman that he had on board the said brigantine Columbia, consisted of three barrels of raw sugar, seven bales of cotton, eight casks and eight bags of coffee, twelve pieces of handkerchief of Bearn, and about 4,500 livres currency of the islands, of French and Spanish coins, the whole amounting to 31,909 liv. 10 sols. 6 deniers, money of the islands, as appears by the invoice dated the 6th of May, 1793, annexed to this protest, a bill of lading of the same month of May, signed by John Green, junior, with the annexed seal of his office, which is at the present, after having been certified by him to be authentic, and by us compared with the original.

That the above sugar, cotton, and coffee, was shipped partly on account and risk of citizen John Mercie, of Bordeaux, owner of the ship Titus, of Bordeaux, and partly on account and risk of sundry other persons interested.

That the intention of the applier had been, to dispose of the said sugar, cotton, and coffee, on account of the above mentioned John Mercie, and of all those concerned in it, on his arrival at Philadelphia.

That on his arrival at Saint Christophers, all the merchandise already mentioned were debarked and seized by the admiralty of that place, as is proved by the certificate of E. Moore, secretary of the said admiralty, placed under the deposition which the said applier had made before the English Judge, Archibald Edsale, at the said island of Saint Christopher's, and which he presented to us, and at his request is hereunto annexed, to recur to, duly certified, and compared according to the ordinary.

That of the whole of the above, the said applier having required a certificate, we, the Chancellor above mentioned, have, by these presents, granted the same, to avail him as it may of right.

The said applier expressly declaring and protesting, for all losses, and for all expenses of damages and interests, against himself, the said merchantman, and against all others whom it may concern, for the carrying off and seizure made by all the said merchandise from on board the said American brigantine Columbia, Captain Green, in contempt of the dignity of the American nation.

Done at Philadelphia, in the Chancery of the Consulate of the French republic, the said day, month, and year above mentioned, in the presence of the citizens Martin, Oster, and Peter Barriere, residents in this city, who have signed the same with us and the said applier, after having read the same.

The minutes of the present remaining in the Chancery.

J. B. LEMAIRE.

Examined by us, consul of the French republic, at Philadelphia, this 18th July, 1793, 2d year of the republic.

FROIS DU FONT.

GENET.

We, the undersigned, passengers on board the galliot the Regulator, Captain White, bound from Jerome to Baltimore, in the State of Maryland, declare—

That having sailed on the night of the 21st May, 1793, we, on the 33d, at three in the morning, met four French frigates; that one of them having fired a cannon, ordered us to hoist our boats; that one of the officers came on board, examined the papers of the captain of the galliot, examined one of our passports, and then retired, testifying his regret at having detained us.

That, on the 25th, about six in the morning, being under the great Iguanad, and very close to the land, we saw a sloop who weighed anchor to the windward, bearing down upon us, fired a cannon at us, and hoisted a white flag. The galliot, Captain White, and the privateer, the brigantine Fancy, Captain Bloombery, against the said admiralty of Saint Christophers, and against all others whom it may concern, for the carrying off and seizure made by all the said merchandise from on board the said American brigantine Columbia, Captain Green, in contempt of the dignity of the American nation.

Done at Philadelphia, in the Chancery of the Consulate of the French republic, the said day, month, and year above mentioned, in the presence of the citizens Martin, Oster, and Peter Barriere, residents in this city, who have signed the same with us and the said applier, after having read the same.

The minutes of the present remaining in the Chancery.

J. B. LEMAIRE.

Certified conformable to the original.

FROIS DU FONTE.

GENET.

We, the undersigned, passengers on board the galliot the Regulator, Captain White, bound from Jerome to Baltimore, in the State of Maryland, declare—

That having sailed on the night of the 21st May, 1793, we, on the 33d, at three in the morning, met four French frigates; that one of them having fired a cannon, ordered us to hoist our boats; that one of the officers came on board, examined the papers of the captain of the galliot, examined one of our passports, and then retired, testifying his regret at having detained us.

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Done at Philadelphia, in the Chancery of the Consulate of the French republic, the said day, month, and year above mentioned, in the presence of the citizens Martin, Oster, and Peter Barriere, residents in this city, who have signed the same with us and the said applier, after having read the same.

The minutes of the present remaining in the Chancery.

J. B. LEMAIRE.
FRANCE AND GREAT BRITAIN.

At four in the afternoon, the captain of the privateer came on board of us with ten armed men; they drove all the passengers out of their state rooms, with a naked sword in one hand, and a pistol in the other; and threatened to proceed to violence, without the least effort on the part of their captain to check them. In an instant all the effects of the passengers were ransacked. In vain did Captain White present to them his papers, and endeavor to stop them; they paid no attention, and scarcely looked at them. The representations of these hostile acts, rendering them still more violent, they threatened those who endeavored to reason with them. They broke the locks of the trunks without waiting till the keys were found, they raised a part of the plank of the cabin, they ransacked the captain’s trunk, they found money there, seized it, and gave it to one of their people to take care of. At the same time they seized to the hold, where they broke open every thing that was locked up. They forced the partitions which separate the births. They cut open a great quantity of coffee bags.

Having however found nothing in this search, made with the greatest brutality, which falsified the assumption of Captain White as to the property of the cargo, they appeared much embarrassed at the part they should take with respect to us. They in particular sent to certain persons to some of the seamen to depose against the declarations of our captain; they sent three of them on board the privateer, whom they endeavored equally, but as unsuccessfully, to seduce.

This vexatious conduct was interrupted by night coming on. It may be conceived how we passed it; it did not to us appear probable that men who appeared to breathe nothing but pillage and robbery, would allow this opportunity to escape.

On the 29th, as soon as day appeared, Captain White was called on board the privateer, where several disputes arose, in which succeeded to have the vessel carried into Jamaica, others that the passengers with their effects should be put on board as prisoners, and others that the captain’s trunk, containing money, should be seized; others, in fine, that they should seize the negro slaves, or send Captain White back with a new detachment, who should continue to search the effects and vessel. They observed among this brutal and greedy horde, a man who not only disapproved the conduct of the others, but also appeared very much opposed to the attempt which he saw them determined to commit in one way or another on neutral property. This was the surgeon of the privateer; perhaps he might have had sufficient ascendancy to hinder them from taking the vessel, but he could not doubtless obtain every thing; at eight o’clock the privateer gave orders to the detachment which guarded us, to bring off the negroes and return on board. They at the same time permitted Captain White to hoist sail. He set sail in order to go and reconnoitre two vessels which were making for the entrance.

Under these circumstances, Captain White, as well as the passengers, having no means of reclamation, the former against the hostile proceedings of the privateer, the latter against carrying off the negroes, could do no otherwise than follow their destination, reserving to themselves the privileges of their respective rights against this piracy.

Several men belonging to the privateer have given us information relative to this vessel and the captain, by the particular information of the surgeon. The vessel is called the Joseph and Mary, of Kingston, island of Jamaica, commanded by David Harris, owners M. M. Allen and White. Captain Harris appeared to us to be a weak, indig- nitive man, without character, having no authority over his crew, and we cannot help thinking that, in this encounter, at the mercy of a crew of fifty or sixty men, the most of whom eager for plunder, without any subordination, the vessel, her persons and her property, have been in the greatest danger.

Done on board the galliot called the Regulator, Captain White, the 7th June, 1793.

SIR,

I receive daily, new complaints on the insults which the English are pleased to commit against the flag of the United States; the papers here enclosed will prove to you that the sovereignty of your country is violated with impunity, not by the legitimate exercise which we have thought proper to make of some rights granted to us by treaty, but by the spoliation, the pillage, the bad treatment, exercised by our enemies in contempt of your laws, and even under the shadow of the sign of your sovereignty, all the seas being navigation by the French property, and also that of the Americans when destined for our ports. Your political rights are counted for nothing; in vain do the principles of neutrality establish, that friendly vessels make friendly goods; in vain, sir, does the President of the United States endeavor, by his peremptory reiterations, to procure by the observation of this maxim; in vain does the desire of preserving peace lead to sacrifice the interest of France to that of the moment; in vain does the thirst of riches preponderate over honor in the political balance of America: all this management, all this condenscension, all this humility, end in nothing; our enemies laugh at it; and the French, too confident, are punished for having believed that the American nation had a flag; that they had some respect for their laws, some conviction of their strength, and entertained some sentiment of their dignity. It is not possible for me, sir, to paint to you all my sensibility at this scandal, which tends to the diminution of your commerce, to the oppression of ours, and to the debasement and vilification of republics. It is for the Americans to make you know how our generous nation, which has never been able to inform me of the measures which you have taken in order to obtain restitution of the property plundered from my fellow-citizens under the protection of your flag. It is from our Government they have learned that the Americans were our allies, that the American nation was sovereign in and that they have how to use themselves respected. It is then under the very sanction of the French nation that they have confided their property and persons to the safeguard of the American flag, and on her they submit the care of causing those rights to be respected. But if our fellow citizens have been deceived, if you are not in a condition to maintain the sovereignty of your people, speak; we have guaranteed it when slaves—we shall be able to render it to you, having become the slave of a country.

Accept, sir, &c.

GENET.

The Citizen Genet, Minister of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, July 23, 1793, 2d year of the republic of France.

SIR;

I receive daily, new complaints on the insults which the English are pleased to commit against the flag of the United States; the papers here enclosed will prove to you that the sovereignty of your country is violated with impunity, not by the legitimate exercise which we have thought proper to make of some rights granted to us by treaty, but by the spoliation, the pillage, the bad treatment, exercised by our enemies in contempt of your laws, and even under the shadow of the sign of your sovereignty, all the seas being navigation by the French property, and also that of the Americans when destined for our ports. Your political rights are counted for nothing; in vain do the principles of neutrality establish, that friendly vessels make friendly goods; in vain, sir, does the President of the United States endeavor, by his peremptory reiterations, to procure by the observation of this maxim; in vain does the desire of preserving peace lead to sacrifice the interest of France to that of the moment; in vain does the thirst of riches preponderate over honor in the political balance of America: all this management, all this condenscension, all this humility, end in nothing; our enemies laugh at it; and the French, too confident, are punished for having believed that the American nation had a flag; that they had some respect for their laws, some conviction of their strength, and entertained some sentiment of their dignity. It is not possible for me, sir, to paint to you all my sensibility at this scandal, which tends to the diminution of your commerce, to the oppression of ours, and to the debasement and vilification of republics. It is for the Americans to make you know how our generous nation, which has never been able to inform me of the measures which you have taken in order to obtain restitution of the property plundered from my fellow-citizens under the protection of your flag. It is from our Government they have learned that the Americans were our allies, that the American nation was sovereign in and that they have how to use themselves respected. It is then under the very sanction of the French nation that they have confided their property and persons to the safeguard of the American flag, and on her they submit the care of causing those rights to be respected. But if our fellow citizens have been deceived, if you are not in a condition to maintain the sovereignty of your people, speak; we have guaranteed it when slaves—we shall be able to render it to you, having become the slave of a country.

Accept, sir, &c.

GENET.
effects in linen, which places him in a crucial position; that they were carried into Providence, where they remained only eleven days, at a fourth of a dollar per day, at the end of which time they were set at liberty, because the island began to want provisions, and that they were there in too great numbers. The declarer had put on board an account of sundry persons, and to the bearer of the bill of lading, seven hogheads, twelve ferses and fifty-three sacks of coffee, eight large and four small bales of cotton, and were 4800 pounds of sugar, of which the American captain, whom he supposes to have been gained over, as well as some others of those who were carried into the said port, declared to be French property.

In testimony whereof, the said declarer has signed the present with us, in presence of the two undersigned witnesses.

La ROUSIE, Binet, OSTER, and FRÉD. DUPONT.

Certified conformable to the original.

GENET.

NEW YORK, July 30, 1793, 2d year of the French republic.

The undersigned citizens declare, that, having departed from Caymès, départem. de la Grande Anse, the 5d June last, in the American brig Ranger, Captain Perkins, bound for New York, they were visited, in clearing the entrance of Igouale, by an English privateer, armed by Mouquie, Mor, merchant of Havre, to make them prisoners, and carried into said place. The undersigned would have avoided exposing their fortunes in time of war, had they not counted on the inviolability of treaties of neutrality, which should naturally guaranty all property on board of a neutral vessel; notwithstanding this consideration was frequently urged to the privateer, he plundered us of 250,000 pounds of coffee, belonging as well to us as four other passengers of the said brig, observing that we were a good prize, according to a paper called a declaration of General Washington, conveying, in substance, that the property of subjects of belligerent Powers might be taken on board American vessels.

In testimony whereof, we have deposited the present declaration in the Chancery of the Consulate of the French republic, in order to establish our right at a proper time and place.

Signed in original, Morles and M. Sarrazin Gueule le Sieur, Bouthon, and Lamarque, par main d'emprunt.

Certified to be conformable to the original, deposited in the Chancery of the Consulate at New York.

GENET.

Copy of a letter to Citizen Genet, from Conyngham, Nesbitt and Co.

PHILADELPHIA, July 26, 1793.

Sir: We have just received advice, that the ship Sally, captain Griffith, loaded by us with flour, from Baltimore for Havre, is just returned to said place, after having been captured by a privateer, and carried into Guernsey or Jersey. The protests and papers will be sent us by the next post. The captain further informs, that they had also captured the ship Columbia, of Baltimore, having on board the French minister drove from Portugal.

Whenever we receive further intelligence, we shall communicate to you.

Being, with respect, sir, yours &c.

Certifié conforme à la lettre de M. M. Conyngham, Nesbitt, et Co. qui est restée entre mes mains à Philadelphie, le 6d JUILLET, 1793, l'an 2d.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, July 24, 1793.

Sir: Your favor of the 9th instant covered the information of Silvat Ducamp, Pierre Nouvel, Chouquet de Sava- reau, Gaston de Negres, and G. Bentier, that being on their passage from the French West Indies to the United States, on board merchant vessels of the United States, were sought by British armed vessels, and their property taken out as lawful prize. I believe it cannot be doubted, but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in their vessels, in the cases above mentioned, and I confess I should be at a loss on what principle to reclaim it. It is true, that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, have passed laws, which to a part, and detainted under pretence of having enemy goods on board, have, in many instances, introduced, by their special treaties, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods—a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss; but this is altogether the effect of particular treaty, controlling, in special cases, the general principle of the law of nations, and therefore taking effect between such nations only as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having in no instance, as far as I recollect, agreed to the modification of letting duty on the goods of the enemy. I hope, that in this article, the representatives of Holland and Markiss, citizens of the United States, who had laden a cargo of flour on board a British vessel, which was taken by the French frigate the Ambuscnde, and brought into port, when I reclaimed the cargo, it was only on the ground that they were ignorant of the declaration of war when it was shipped. You observed, however, that the 14th article of our treaty had provided that ignorance should not be pleaded beyond two months after the declaration of war, which term had elapsed, in this case, by some few days; and finding that to be the truth, though their real ignorance of the declaration was equally true, I declined the reclamation, as it never was in my view to reclaim the cargo, nor apparently in yours to offer to restore it, by questioning the rule established in our treaty, that enemy bottoms make enemy goods. With England, Spain, Portugal, and Austria, we have no treaties, therefore we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize, though found in the bottom of a friend. Nor do I see that France can suffer on the whole; for though she loses her goods in our vessels, when found therein by England, Spain, Portugal, or Austria; yet she gains our goods when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands, or Prussia; and I believe I may safely affirm, that we have more goods afloat in the vessels of these six nations, than France has afloat in our vessels, and, consequently, that France is the gainer, and we the losers, by the principle of our treaty; indeed, we are losers in every direction of that principle; for when it works in our favor, it is to save the goods of our friends; when it works against us, it is to lose our own; and we shall continue to lose while the rule is only partially established. When we shall have established it with all nations, we shall be in condition neither to gain nor lose, but shall be less exposed to vexatious searches at sea.
condition we are endeavoring to advance; but as it depends on the will of other nations, as well as our own, we can only obtain it when they shall be ready to concur.

But let us flatter ourselves, that, in revising the cases of Ducamp and others, you will perceive, that their losses result from the state of war, which has permitted their enemies to take their goods, though found in our vessels, and consequently, from circumstances over which we have no control.

The rudeness to their persons practised by their enemies, is certainly not favorable to the character of the latter. We feel for it no animosity for the extension of it to their citizens, their companions, and find it in a motive for requiring measures to be taken, which may prevent repetitions of it.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, August 7, 1793.

Sir: In a letter of June 5th, I had the honor to inform you, that the President, after reconsidering, at your request, the case of vessels armed within our ports to commit hostilities on nations at peace with the United States, had finally determined, that it could not be admitted, and desired that all those, which had been so armed, should depart from our ports. It being understood afterwards that these vessels either still remained in our ports, or had only left them to cruise on our coasts, and return again with their prizes, and that another vessel, the Little Democrat, had been since armed at Philadelphia, it was desired in my letter of the 13th of July, that such vessels, with their prizes, should be detained till a determination should be had of what was to be done under these circumstances. In disregard, however, of this desire, the Little Democrat went out immediately on a cruise.

I have it now in charge to inform you, that the President considers the United States as bound, pursuant to positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for, prizes which shall have been made, of any of the parties at war with France, subsequent to the 5th day of June last, by privateers fitted out of our ports.

That, besides taking efficacious measures to prevent the future fitting out privateers in the ports of the United States, they will not give asylum therein to any which shall have been at any time so fitted out, and will cause restitution of such prizes taken and brought into our ports, subsequent to the above mentioned day, by such privateers; in defect of which, the President considers it as incumbent upon the United States to indemnify the owners of those prizes. The indemnification to be reimbursed by the French nation.

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I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary of the United States with the Republic of France.

PHILADELPHIA, August 16, 1793.

Sir: In my letter of June 15th, I enclosed to you the copies of several letters, which had passed between Mr. Ternant, Mr. Genet, and myself, on the occurrences to which the present war had given rise within our ports. The object of this communication was to enable you to explain the principles on which our Government was conducting itself towards the belligerent parties—principles which might not in all cases be satisfactory to all; but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develop in him a character and conduct, so unexpected, and so extraordinary, as to place us in the most difficult dilemma between our regard for his nation, which is constant and sincere, and a regard for our laws, the authority of which must be maintained, for the peace of our country, which the Executive Magistrate is charged to preserve; for his honor, offended in the person of that magistrate; and for its character, grossly traduced in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolor, in the letters of the Executive Council, in the letter and decrees of the National Assembly, and in the general demeanor of the nation towards us, to ascribe to them things of so contrary a character. Our first duty, therefore, was to draw a strong barrier between their intentions, and the proceedings of their minister; our second, to lay those proceedings faithfully before them.

On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and would impose even on their dispositions towards the belligerent Powers. Some of them imagined (and chiefly their transient seafaring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, cannot therefore understand the nature, as there was reason to believe. In this state of the public mind, and before it should take an erroneous direction, difficult to be set right, and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow-citizens, that we were in a state of peace with all the belligerent Powers; that in that state it was our duty neither to aid nor injure; but to avoid both; and warn our citizens that no depredation on either side, is contrary to the character, and particularly those of positive hostility; for the punishment of which the laws would be applied to; and to put them on their guard, also, as to the risks they would run, if they should attempt to carry articles of contraband to any. This proclamation was ordered on the 13th, and signed the 23d day of April, was sent to you in my letter of the 25th of the same month.

On the day of its publication, we received, through the channel of the newspapers, the first intimation, that Mr. Genet had arrived on the 4th of the month at Charleston, in the character of minister plenipotentiary from his nation to the United States, and soon after, that he had sent on to us, in which the vessels were taking an armament, himself perform the journey by land. His landing at one of the most distant ports of the Union from his points both of departure and destination, was calculated to excite attention; and very soon afterwards we learnt that he was under- taking the fitting and arming of vessels in that port, with his friends, foreigners and citizens, and giving them commissions to take prizes of the United States and its inhabitants, at peace with his nation, to be carried into the port, with the same dispatch as from the vessels now in Philadelphia.
to preserve, till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of a still larger and more copious correspondence between the two governments. The British minister presented several memorials thereon, to which we gave the answer of May 15th, heretofore enclosed to you, corresponding in substance with a letter of the same date, written to Mr. Ternant, the minister of France, then residing here, a copy of which I send herewith. On the next day Mr. Genet received from the President a message, in which he acquainted the latter with the entire spirit and purpose of the treaty he had signed, and which, if he had ever been without a right to it, did not now become his, if he had steered it directly. He was immediately presented to the President, and received by him as the minister of the republic; and as the conduct before stated seemed to bespeak a design of forcing us into the war, without allowing us the exercise of that independent temper in our relations with foreign nations, which, in this case, or any other, we have a right to expect from an admission of it from the President, which he repeated to me afterwards in conversation, and in public to the citizens of Philadelphia, in answer to an address from them, that, on account of our remote situation, and other circumstances. France did not expect that we should become a party to the war, but wished to see us pursue our prosperity and happiness, of which he had a right to hope for an interest in our welfare. On the 11th, Mr. Genet wrote me in answer to my letter of May 13; he spoke something of the case of the Grange, and then of the armament at Charleston; explained the circumstances which had led him to it before he had been received by the Government and consulted its wishes a hope expressed a hope that the President had not so absolutely decided against the measure but that he would be willing to see it, and that, if it were only a question whether it was proper, or not, to interpose against it, or not, we could at any time to justify it under our treaty; but that, if the President should finally determine otherwise, he must submit: for that assuredly his instructions were to do what would be agreeable to us. He accordingly wrote the letter of May 27.

The President took the case again into consideration, and found nothing in that letter which could shake the ground of his former decision. My letter of June 5th, notifying this to him, his of June 8 and 14, mine of the 17th, and his again of the 22d, will show what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President. It would be tedious to pursue this and our subsequent correspondences through all their details. Referring, therefore, for these to the letters themselves, which shall accompany this, I will present a summary view only of the points of difference which have arisen, and the grounds on which they rest.

1st. Mr. Genet, by a right to which we have a perfect right, has added to our citizens, and that we have no right to return, and punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties; that fact that he has added to our citizens, and that we are bound to return and punish them, is a violation of that law.

2d. Mr. Genet, in an answer to our custom-house objection, has laid it down, that it is no dupe; that no successor should be given to either, unless stipulated by treaty, in men, arms, or any thing else, directly for serving; that the right of raising troops, being one of the rights of sovereignty, and consequently appertaining exclusively to the sovereign himself, to have power over them, without the consent of the sovereign, may and must, be rightfully and severely punished; that if the United States have a right to refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations, Mr. Genet answers, by calling them "diplomatic subtleties" and "aphorisms of Vattel and others." But something more than this is necessary to disprove them; and till they are disproved, we hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports.

But Mr. Genet says, that the 23d article of our treaty allows him expressly to arm in our ports. Why has he not waited till that article should have been put into execution? The article is silent on the subject, and has put an end to all further question. The words of the article are, "It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King, nor citizens of the said United States, who have commissions from any prince or state in enmity with the United States, to proceed from any of their ships armed with more than ten guns, to take possession of such vessels as he may think proper; and especially those that belong to the United States, or that are armed in the United States, or that are armed by the consent of the United States, or that are armed by virtue of any treaty, or of any other authority, to seize or molest in any manner whatsoever, any vessels belonging to the United States, or that are armed by the consent of the United States."

This is from the general terms in which it there stands, into the special case produced by the present war. "Privateers not belonging to France or the United States, and having commissions from the enemies of one of them," are, in the present state of things, "British, Dutch, and British privateers." Substituting these, then, for the equivalent terms, it will stand thus: "It shall not be lawful for British, Dutch, or Spanish privateers, to fit their ships in the ports of the United States." Is this an express permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not: It leaves the question, as to France, open and free to be decided according to circumstances; and if the parties had meant an affirmative stipulation, they would have provided for it expressly: they would never have left so important a point to be inferred from mere silence, or implication. Suppose they had desired to stipulate a refusal to their enemies, but nothing as to themselves; what form of expression would they have used? Certainly the one they have used; an express stipulation to take possession of such vessels as he may think proper; and especially those that belong to the United States, or that are armed in the United States, or that are armed by the consent of the United States, or that are armed by virtue of any treaty, or of any other authority, to seize or molest in any manner whatsoever, any vessels belonging to the United States, or that are armed by the consent of the United States."

It was of value to each party to exclude its enemies from arming in the ports of the other, and could, in no case, embarrass them. They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the language of the treaty. Mr. Genet concedes, that the treaty gives the United States the right to arm in the ports of France. If it goes further, he could not have permitted us to arm in his ports. Suppose a war between these States and Spain; we know, that, by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was in her interest, therefore, not to decree us by such a simulation. Suppose a war between these States and Great Britain: by the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant, in this article, to give us such a right. She has manifested the same sense of it again, in her subsequent treaty with England, made eight years after the date of our stipulation, in the 16th article of it, as in our 23d, that foreign privateers, not being subjects of either crown, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation, that the subjects of the other crown might arm in her ports against us, it would have been in direct contradiction to her 23d article. And, what is more, what is to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith: to give them only their negative and natural effect, is to reconcile them to one another, and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude, then, that the article only obliges us to refuse this right, in the present case, to Great Britain and the United States, and one to the other, that are not fit to grant to the other. If it does grant to the other, it does not grant to the other to grant to the other, and then refuse it. And, since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality to refuse it to that other. The aiding either party, then, with vessels, arms, or money, in arming against us, can only be considered as an act of neutrality. But if they have not been lawful by the treaty, it is made a question, whether our citizens, joining in these unlawful enterprises, may be punished? The United States, being in a state of peace with most of the belligerent Powers by treaty, and with all of them by the laws of nature, murders and robberies committed by our citizens, within our territory, or on the high seas, on those with whom we are at peace, are punishable by us as war, although we may say they are contrary to the laws of nature and of nations; and we are bound to give up persons so charged with running into "subtilities and aphorisms," I would say, that, if one citizen has a right to go to war of his own authority, every citizen has the same. If every citizen has that right, then the nation (which is composed of all its citizens) has that right. And it is, as certainly as the United States have a right to arm, that they have a right to punish for the violation of the principles of society, or by our constitution, which gives that power to Congress alone, and not to the citizens individually.

Then the first position was not true, and no citizen has a right to go to war of his own authority; and for what he does without right, he ought to be punished. Indeed, nothing can be more obviously absurd, than to say that all the citizens have a right to arm against both the United States, and the other Power, the United States having bound themselves in an enterprise of this nature was a disvantage of the character of citizen, and a transfer of jurisdiction over him.

to another sovereign. Our citizens are certainly free to divest themselves of that character by emigration, and other acts manifesting their intention, and this subject of the alienage of a sovereign, as has been observed, does not carry the character of the Power may do. But the laws do not admit that the bare commission of a crime amounts to it: to a divestment of the character of citizen, and withdraws the criminal from their coercion. They would never pre-
scribe an illegal act among the legal modes by which a citizen might disfranchise himself; nor render treason, for instance, a basis of disqualification of one of the citizens. The question then is, what shall be the extent to which the law of the nation, as it respects the person of an alien, can extend. Undoubtedly, in the case of Henfield, a citizen of these States, charged with having engaged, in the port of Charleston, in an enterprise against nations at peace with us, and with having joined in the actual commission of hostilities, the attorney general of the United States, in an official opinion declared the charge to be such as to render him chargeable to punishment under our law for the purpose of being tried by any tribunal of this country. You will see in the charges of Chief Justice Jay, delivered at Richmond, and Judge Wilson, delivered at Philadelphia, both of which are herewith sent. Yet Mr. Genet, in the moment he lands at Charleston, is able to tell the Governor, and continue to act under the law of the State, as a foreign citizen, as is the assumption of all the cases. In the remainder, to restrain, either his own citizens, or the foreigners inhabiting its territory, from warring against the enemies of France. It is true, indeed, that, in the case of Henfield, the jury which tried, absolved him. But it appeared on the trial that the crime was not knowingly and willfully committed; that Henfield was ignorant of the unlawfulness of it, and being under the impression that the State of Delaware, and rendered merito-
rious services during the late war, and declared he would live and die an American. The jury, therefore, in absolving him, did no more than the constitutional authority might have done, had they found him guilty; the con-
stitution having provided for the pardon of offences in certain cases, and there being no case where it could have been more proper that the sentence of contemplation. Henfield, therefore, was still an American citizen, and Mr. Genet's declaration of him was as unauthorized as the first enlistment of him.

5d. Another doctrine advanced by Mr. Genet is, that our courts can take no cognizance of questions, whether vessels held by their are to be, are lawful prizes or not; that this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the National Assembly into complete courts of admiralty. Let us consider, first, What is the extent of the jurisdiction which the consulates of France may rightfully exer-

But the United States, at the same time, do not pretend any right to try the validity of captures made on the high seas, not between the shores of the United States and those of other nations, nor can they try a prize the sovereignty of the captors, and whenever it is necessary to determine them, resort must be had to his courts. There is the case provided for in the seventeenth article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof—a stipulation much insisted on by Mr. Genet and the consuls, and which we never thought of infringing or questioning. As the validity of captures, made on the high seas, by France, over its enemies, cannot be tried within the United States by their consuls, so neither can it by our own courts. Nor is this the question between us, though we have been misled into it.

The real question is, whether the United States have a right to protect vessels within their wards, and on their coasts? The Grange was taken within the Delaware, between the shores of Jersey and of the Delaware State, and several miles above its mouth. The seizing her was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologizing, takes great merit, in his letters, for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declined cognizance of the case, she was delivered to the French consul, according to my letter of June 25th, to be kept till the Executive of the United States should examine into the case; and Mr. Genet was desired, by my letter of June 29th, to have them furnished with the evidence, on behalf of the captors, as to the place of capture. Yet, to this day, it has never been done. The brig Fanny was alleged to be taken within five miles from our shore; the Catharine within two miles and a half. It is an essential attribute of the jurisdiction of every country, to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to have seized a prize within the United States, and whether it was a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation we were at war with, should we not redress it within our limits? Were it seized in any other waters, or on the shores of the United States, the right of redressing is still the same. And humble indeed would be our condition, were we obliged to depend, for that, on the wishes of some foreign agent, the grants of whose power might be as susceptible of being questioned as those of our own Government, the jurisdiction of which over the subject of emigration, is the particular question of internal arrangement between the different departments of the Government, and the particular question of jurisdiction, and it can in no wise concern a foreign nation, to which department these have delegated.

Mr. Genet, in his letter of July 9th, requires that the ship Jane, which he calls an English privateer, shall be immediately ordered to depart; and to justify this, he appeals to the twenty-second article of our treaty, which provides, that it shall not be lawful for any foreign privateer to fit their ships in our ports, to sell what they have taken in the course of hostilities. The ship Jane is an English merchant vessel, which has been many years employed in the commerce between Jamaica and this country. She was brought into a merchant port, from which it is well known, she was to take away a cargo of flour. Knowing that she was off Jamaica, and that our coast was lined with small French privateers, she armed for her defence, and took one of those commissions usually called letters of marque. She was thus exchanged, and in the act of fitting out, has lived on the 15th, 16th, and 17th, and, in all cases, the right of Performing the act of war, that a merchant vessel is not a privateer? That though she has arms to defend herself in time of war, in the character of a merchant, this no more makes her a privateer, than a husbandman following his plough, in time of war, with a knife or a plough in his pocket, is thereby made a soldier. The occupation of a privateer is to attack and plunder; that of a merchant vessel is commerce and protection; the article explains the former from our ports, and from
selling what she has taken, that is, what she has acquired by war, to show it did not mean the merchant vessel, and what she had acquired by us, except when vessels were coming for our produce, forbidden to have any armed man on board, every adventurer who has a boat, or money enough to buy one, would make her a privateer; our coasts would swarm with them; foreign vessels must cease to come; our commerce must be suppressed; produce remain on our hands, or at least that great portion of it which we have not vessels to carry away; our ploughs must be turned to other uses, and our live stock sacrifice; no foreign ships can be disposed of, made, out of mere compliance to a false definition of the term privateer. Finding that the Jane had purchased new carriages to mount two or three additional guns, which she had brought in her hold, and that she had opened additional port-holes, for the accommodation of her means of defense, she was refused to be exactly the same at her departure as at her arrival. This was done on the general principle of allowing no party to arm within our ports.

4th. The 17th article of our treaty leaves armed vessels free to come, with whosoever they please, the ships and goods taken, to sell in France, and to arm duties on them as an encouragement in their commissions, which the captain shall be obliged to show. It is evident, that this article does not contemplate a free sale to sell their prizes here; but, on the contrary, a departure to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case, it would be as unreasonable to make the prize ship the property of her captors, as to make the new vessel touching in our ports for refreshment or advice. Against this the article provides. But the armed vessels of France have been also admitted to land and sell their prize goods here for consumption; in which case, it is as reasonable they should pay duties, as that the prize ship should arm. The anomaly of a merchant ship which party had it in contemplation, when penning this article, to abandon any part of its revenue, for the encouragement of the sea robbers of the other.

5th. Another source of complaint with Mr. Genet, has been, that the English take French goods out of American vessels, and that, in his case, is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle, which subjects merchant vessels to the violence of privateering, is so obvious, that their cases are never submitted to the law courts; and it has always been against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating for the latter, and French vessels, for instance, with the Dutch, are free, and French goods shall be free, as long as the latter nation enjoys the same benefit, if France, Holland, and Prusia; and French and Dutch vessels, found by the latter nations in American bottoms, are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, is a work of time, and in the mean while they have a right to act on the general principle of indiscriminate plunder, which is in fact the war against all nations. For though she loses her goods when found in our vessels, by the nations with whom we have no treaties, yet she gains our goods, when found in the vessels of the same, and all other nations: and we believe the latter mass to be greater than the former. It is to be lamented, indeed, that the general principle has operated so cruelly in the dress of the French nation, who have plundered the world, and taken asylum in our vessels, with such valuable and portable things as could be gathered in the moment, out of the ashes of their houses, and wrecks of their fortunes, have been plundered of these remains by the licensed sea rovers of their enemies. This has swelled, on this occasion, the disadvantages of the general principle that "an enemy's goods are free prize in the vessel of a friend." But it is one of those deplorable and unforeseen calamities to which they expose themselves who enter into a state of war, furnishing to us an awful lesson to avoid it by justice and moderation, and not a cause or encouragement to expose our own towns to the same burnings and butcheries, nor of complaints against the enemy we do not.

5th. A case like the present, where the missionary of one Government converses differently from that to which he is sent, the treaties and laws which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to interpret the treaties and laws of a foreign nation, as well as its own. It would be right and well understood law of proceeding. It is the right and duty of the foreign missionary to urge his own constructions, to support them with reasons which may convince, and in terms of decency and respect which may reconcile the Government of the country to a concurrence. It is the duty of the receiving Government to listen to these, and judge for itself; it shall still appear to them that reason and right are on their side, it follows of necessity that, exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions as to whatever is to be done within their limits. The minister then refers the case to his own Government, and to such instruction as the means and acquirements in the authority of the country. His Government examines the constructions, abandons them, if wrong, insists on them, if right, and the case then becomes a matter of negotiation between the two nations. Mr. Genet, however, assumes a new and a bold line of conduct. After deciding for himself ultimately, and without respect to the authority of the country, he proceeds to do, what even his sovereign could not authorize; putting himself in the way of the country, on a line with its Government, act as co-sovereign of the territory, arms vessels, levies men, gives commissions of war independently of its, and in direct opposition to its orders and efforts. When the Government forbids its citizens to arm and engage in the war, he undertakes to arm and engage them. When the Government forbids the sale of arms and ammunition to them, he procures the arms and ammunition to fit and service.

The Government, thus insulted, and at defiance by Mr. Genet, committed in its duties and engagements to others, determined still to see in these proceedings but the character of the individual, and not to believe, and it does not believe, that they are by instructions from his employers. They had assured the British minister here that the
vessels already armed in their ports should be obliged to leave them, and that no more should be armed in them. Yet more had been armed, and those before armed, had either not gone away, or gone only to return with new prizes. They now informed him that the order for departure should be enforced, and the prizes made contrary to it should be restored or confiscated. They also notified him of the arrival of a letter of August 27th and, not concluding the promise of compensation to be of no concern to him, and go on in his courses, he was reminded that it would be a fair article of account against his nation.

Mr. Genet, not content with using our force, whether we will or not, in the military line, against nations with whom we have no war, he turns his government, particularly, fiscal and executive and legislative bodies, to pronounce what powers may, or may not be exercised by the one or the other. Thus, in his letter of June 8th, he promises to respect the political opinions of the President, till the Representatives shall have confirmed or rejected them, as if the President had undertaken to decide the cases of the representatives of Congress. In his letter of June 22d, he promises to respect the demands of the President, and to that extent to obey Congress; but that it was of no importance enough to have consulted Congress thereon; and in that of June 22d, he tells the President, in direct terms, that Congress ought already to have been occupied on certain questions which he had been persuaded were necessary, and not the President's will, ascribed by the constitution to the Executive, and dictating to him the occasion when he should exercise the power of convening Congress, at an earlier day than their own act had prescribed.

On the following expressions no commentary shall be made:

June 8. "Les opinions privées ou publiques de M. le President,*

June 22. "Les opinions privées ou publiques de M. le President, et cette egide ne paressant pas suffisante."

June 22. "Le gouvernement feral s'est empressé, poussé par je ne sais quelle influence."

June 22. "Je ne puis attribuer des demarches de cette nature qu'à des impressions étrangères dont le temps et la verité triompheront."

June 22. "On poursuit avec acharnement, en vertu des instructions de M. le President, les armateurs Français.

June 14. "Ce refus tend à accomplir le système infernal du roi d'Angleterre, et des autres rois ses accomplies, pour faire peur aux la fameux libraires Français avec la liberté."

June 8. "La lache abandon de ses amis."**

July 25. In vain the desire of conserving our points failed, and the French were ever so much the worse for the instruments of them. The French in the balance politique de l'Amérique, tous ces menages, toute cette censurande, toutes cette humiliation aboutes tout à rien; nos ennemis en rient, et les Français trop confiants sont punis pour avoir crû que la nation Américaine, avait un pavillon, qu'elle avait quelque avantage. She was use to her own satisfaction and to her own advantage, and门户 to the sentiment of her dignity. Ne m'est pas possible de peindre toute ma sensibilité sur cet scandale qui tend à la diminution de votre commerce, à l'oppression du notre, et à l'abaissement, à l'avilissement des republiques.—Si nos concitoyens ont été trompés, si vous n'êtes point en état de soutenir la souverainete de votre peuple, parlons; nous l'avons garanti quand nous étions esclaves, nous l'avons fondé; c'est notre dette à vous, mes amis."

We draw a veil over the sensations which these expressions excite. No words can render them; but they will not escape the sensibility of a friendly and magnanimous nation, who will do us justice. We see in them neither the pencil of our selves, nor the purlin of our friends; but an attempt to embold both, to add still another nation to our enemies, and to encrease on both a revouch, which it is hoped will still natch the history of either. The written proofs, of which Mr. Genet was himself the bearer, were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their National Convention, the letters of their President, their present conduct, and their choice of a judge to seek, in some other hypotheses, the solution of Mr. Genet's machinations against our peace and friendship.

Conscious, on our part, of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and Government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character, opportunity of saluting forth from our ports, to wary, rob, and murder, defenceless merchants and others, who have done us no injury, and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality, which bind mankind together, would be an unacceptable offering to a just nation. Recurring then only to recent things, after so afflicting a licent, we recollect with satisfaction, that, in the course of two years, by unceasing exertion we paid up seven years arreavages and instalments of our debt to France, which the inefficiency of our first form of government had suffered to be accumulating; that, pressing on still to the entire fulfillment of our engagements, we have facilitated to Mr. Genet the effect of the instrument of his letter, to enable him to bring to the President his consent to the measures that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief, with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been death; that we have received, according to our best abilities, the wretched fugitives from the catastrophe of the privations, how often, and in how many cases, when they were abandoned, famished, and hopeless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses; that the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unjustified in principle, and unguarded in her own practice, or in that of other nations, as we have been able to spirit manifestated by the late grand jury, in their proceedings against those who had aided the enemies of France with arms and implements of war; the expressions of attachment to his nation, with which Mr. Genet was welcome, on his arrival and journey from south to north; and our long forbearance under his gross usurpations and outrages on the laws and authority of our country; do not speak the partiality of intimacies in his letters. And for these respects he rewards us by endeavors to excite discord and distrust between our citizens and those whom they have intrusted with their government; between the different branches of our Government; between our nation and his. But none of these shall be found in his letters, this friendship, which dictates to us to bear with him; or, as we have ventured to conjecture, if he is not driven to this conduct yet awhile, lest the interests of his nation here should suffer injury, we shall replace the instruments, whose situation is such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His Government and his nation are constant in their friendship to us. It is improper and unwise that such a conduct as this, and the views to be going on within our territory, at the same time, without collision. They will foresee, that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious,

"* The philosophical principles proclaimed by the President."

"** The opinions, private or public, of the President, and this Egis not appearing to you sufficent."

"† The Federal Government has been eager, urged by you know not what influence."

"‡ That is the sentiment of this nation, but to extremes managements, to which time and truth will triumph."

"§ They pursue with rage the French privilages of the federers of the President."

"∥ This refusal tends to accomplish the infernal scheme of the King of England, and of the other Kings, his accomplices, to destroy at first the fameous French freemen and freedom."

"¶ I base in vain the desire to preserve peace you have to sacrifice the interests of France to this interest of the moment; in vain that you should sacrifice the essence of this letter, but to extreme managements, to which time and truth will triumph."

"** In vain do you hope to be furnished with the abandonment of the instrument of this favor."

"†† In vain do you desire to preserve peace you have to sacrifice the interests of France to this interest of the moment; in vain that you should sacrifice the essence of this letter, but to extreme managements, to which time and truth will triumph."

"‡‡ If our fellow-citizens have been deceived; if you are not in a condition to maintain the sovereignty of your people, speak: we have guaranteed it when we were slaves, we know how to render it respectable being become free."

"§§ If in our fellow-citizens have been deceived; if you are not in a condition to maintain the sovereignty of your people, speak: we have guaranteed it when we were slaves, we know how to render it respectable being become free."
THOMAS JEFFERSON

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary from the United States to France.

PHILADELPHIA, August 23, 1793.

Dear Sir:

The letter of the 16th instant, with its accompanying documents, will sufficiently inform you of the transactions, which have taken place between Mr. Genet, the minister of France, and the Government here; and of the arrangements of the French minister’s return to his own country. The present letter will not be occasioned by the intelligence of any new event, but the submission of the papers, laid before the Executive of the French Government. You will, therefore, be pleased to lay it before them, doing every thing which can be done on your part, to procure it a friendly and dispassionate reception and consideration. The letter and its intelligence will, I think, give it a better chance to be treated with more favor by other light; and, therefore, charges you, very particularly, with the care of presenting this proceeding in the most soothing view, and as the result of an unavoidable necessity on his part.

Mr. Genet, soon after his arrival, communicated the decree of the National Convention of February 15, 1793, authorizing their Executive to propose a treaty with us, on the following principles, such as might strengthen the bonds of good will, which unite the two nations; and informed us in a letter of May 33, that he was authorized to treat accordingly. The Senate being then in recess, and not to meet again till the fall, I apprised Mr. Genet that the particular propositions which were given him, proceeded from a judgment that the decision of the matter had not been reached by any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over, till the meeting of Senate. You will be pleased, therefore, to explain to the Executive of France this delay, which has prevented, as yet, our formal access to their proposition to treat; to assure them, that the President will meet them, with the most friendly dispositions, on the grounds of treaty proposed by the National Convention, as soon as he can do it in the forms of the Constitution; and you will, of course, suggest for this purpose, that the powers of Mr. Genet be renewed to his successor.

Since my last, which was of the 15th of June, your Nos. 23, 26, 27, of March 26th, April 4th and 5th, have been received. The public papers sent herewith will give you a better account of the news of the country.

I have the honor to be, &c.

THOMAS JEFFERSON.
and of the writings of your politicians; that since that epoch, always faithful to the cause of liberty. I have rendered to the American people, in the different employments I have had, all the services which depended on me and that, in fine, charged to represent the French people, with the first people who have proclaimed the rights of man, knowing how far our ancient Government had put liberality shackles on the commerce and on the intimacy of our two nations, I did not fail, from one hand to the other, to enquire for the French people desire to contract with the United States were to be negotiated, in order that, on the other, the Federal Government might be sensible how urgent it was to occupy themselves promptly on the conclusion of this true family compact, which was for ever to unite the political and commercial interests of two People equally objects of the same sympathy. Of the rest, I have brought the royal family, the address of which I have addressed to my former master your generous instrument, after having made believe that you were my friend, after having initiated me yourself into mysteries which have inflated my hatred against all those who aspire to an absolute power, there is an act of justice which the American people, with all their reason, judge to be, that is, that the representation of the United States has taken on himself to demand the recall of a public minister, whom the sovereign people of the United States have received fraternally and recognized, before the diplomatic forms had been fulfilled with the representatives of Your Britannick Majesty, or Philip.

It is in the name of the French People, that I am sent to their brethren—to free and sovereign men; it is then for the representatives of the American People, and not for a single man, to exhibit against me an act of accusation, if I have erred it. A despot may singly permit himself to demand from another despot the recall of his representa tive, if the latter have acted contrary to the rights of a despot. Mr. Madison has frequently expressed the opinion of the sovereignty of the American People, it recommended to me only to make confidential observations to you on the recall of this minister plenipotentiary, accused by the public voice of facts established, but not by the Representatives of the People, after a regular inquiry, of having favored, as much as he could, the counter revolu tionary projects of Louis XVI, of communicating to him counsels, in which he advised him not to accept the constit uction of having had no connexions but with suspected persons; of having affected the greatest contempt for all those who served faithfully the cause of the People; of having been the channel of the counsels which conducted La fayette into the prisons of the king, from which system as well as from the respect of the king, in the eyes of the few, the most generous, the most inoffensive, but perhaps the most useful members of the nation; and of having said publicly, with a confidence which the present event justifies, that, if the embassy of the republic should be at Philadelphia, its existence and that of the republican consuls in America would not be of long duration there.

Passions have been mentioned to you, sir, some of these imputations; but, as I have already told you, out of respect for the sovereignty of the United States, I thought I should leave to their wisdom the care of taking measures, the most suitable to reconcile their dignity with what their prudence might require.

I will answer more in detail, sir, at a proper time, to your violent diatribes; but it contains one fact on which I must now give you explanations. You are made to reproach me with having indirectly given to my official pro ceeds a tone of color, which has induced a belief, that they did not know, in France, either my character or my means of having the information of all the dispositions which would have been made against me. The most generous principle, which has not been supported since, by decisions of the juries or tribunals of the country; if, in acting and expressing myself with the frankness and the energy of a republican, I have attacked the constitution; if I have refused respect to a single law: in fine, if, in reclaiming with all the firmness which was prescribed to me, the faithful observance of the rights of my country, I have been encouraged to undertake, whatever is necessary for its defense, in the name of the sovereign, the means, worthy of a great people, to preserve peace and to enjoy the advantages of neutrality—an useful object, not to be obtained by timid and uncertain measures, by premature proclamations, which seem exported by fear, by a partial, and triviality, which soured friends without satisfying enemies by a flattering firm and
he had already made officially of favoring this arrangement, the positive declaration, that, even if it were practicable, the United States could not consent to it, because England would not fail to consider this extraordinary reimbursement furnished a nation with which she is at war, as an act of hostility. 8th. That, by instructions from the President of the United States, the American citizens who rendered themselves under the banners of France, have been unanimously recommended to the consideration of the committee of commerce of Congress, as the representatives of the interests of the United States, and that, by the considerable sum of money, and by the number of vessels, which have been lost in the course of the last year, the losses arising therefrom, shall have been paid by the French Government, as a fund to indemnify the defenders of the best of causes. 9th. That incompetent tribunals were suffered to take cognizance of facts relative to prizes which treaties interdict them expressly from doing; that, on their acknowledgment of their incompetency, this property, acquired by the right of war, was taken from us, that it was thought ill of, that our consorts protested against these arbitrary acts, and that, as a reward for his devotion to his duty, the one at Boston was imprisoned as a malefactor. 10th. That the President of the United States took on himself to give to our treaties arbitrary interpretations, absolutely contrary to their true sense, and that, by a series of decisions which they would have us receive for laws, he gave no foundation to America's sentiments, that, for the treason to which she dissipated in fighting for the independence of the United States, but the illusory advantage of bringing into their ports the prizes made on their enemies, without being able to sell them. 11th. That no answer is yet given to the notification of the decree of the National Convention for opening our ports in the two worlds to the American citizens, and by a recent declaration of the French Government, that the cessation of the trade, and the consequent continuance to treat us with the same injustice. 12th. That he has deferred, in spite of my respectful insinuations, to convokve Congress immediately, in order to take the true sentiments of the people, to fix the political system of the United States, and to decide whether they will break, suspend, or tighten their hands with France—an honest measure, which we have as recourse against the Federal Government much contradiction and subterfuge, to me much pain and disgust, to the local governments, embarrassments so much the greater, as they found themselves placed between treaties, which are laws, and decisions of the Federal Government, which are not: in fine, to the tribunals, duties so much the more painful to fulfill, as they have been often under the necessity of giving judgments contrary to the intentions of the Government.

It results from all these facts, sir, that I could not but be profoundly affected with the conduct of the Federal Government towards my country—a conduct so contrary to what the will of their sovereign, to what the proceedings of mine gave me reason to expect; a conduct which, if I have shown firmness, it is because it was indispensable that my resistance should be equal to the oppression, to the injustice, which were in opposition to the interests confided to me; it is, that it was not in my character to speak as many people do, in one way, and act in another; to have an official language, and a language confidential. I have done strict justice to my duty. I have defended my ground; and I must suffer no precedent against any of the rights of the French People while there remains to be discharged of life; while our two republics shall not have changed the basis of their political and commercial relations; while they have not persuaded the American People that it is more advantageous for them to become insensibly the slaves of England, in lieu of the liberty and independence of France. That there is no fear of the power of France, which is a power who may be interested to defend their sovereignty and their independence; to open to them their colonies, and to their riches those markets which double their value. If I be to this that tend all the machinations set in motion against the French republicans, and against their friends in the United States; if I be to attain this more conveniently, that they wish to have here, instead of a democrat ambassador, a minister of the ancient regimen, compliant, very mild, well disposed to pay his court to people in place, to conform himself blindly to whatsoever may flatten their views and their projects, and to prefer, above all, to the modest, and sure society of good farmers, plain citizens, he that is a metic and avaricious, who speculate so patriotically on the public funds, on the lost papers, and paper of the State; I know not if the French republic can find for you at this day such a man in their bosom; but in all events, sir, I can assure you, that I will press very strongly its government to sacrifice me without hesitation, if this injustice offends the least utility.

Accept my respect.

[Note.—This letter was, among several others which were received at the Secretary of State’s office in Philadelphia, there formed into a packet, September 9th, addressed to him, and forwarded by post to Virginia. By some accident of the post, they did not get on to him in Virginia, were returned to Philadelphia, and there received by him only the 2d day of December.]
Hence you will perceive, sir, that the President contemplates restitution or compensation, in the cases before the 7th of August, and after that date, restitution, if it can be effected by any means in our power; and that it will be important, that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the prizes was signed by me, and as such, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned, between the dates of June 5th, and August 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the times of her capture, and of her arrival in the port into which she is brought, according to the latter value in that port.

If this shall be agreeable, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the collectors of the customs where the respective vessels are.

I have the honor to be, &c.

TH: JEFFERSON.

PHILADELPHIA, September 7, 1793.

SIR: Finding by the protests of several of the consuls of France, by their advertisements in the public papers, and other proceedings, and by other sufficient testimony, that they claim, and are exercising, within the United States, a general admiralty jurisdiction, and in particular, assume to try the validity of prizes, and to give sentence thereon, as judges of admiralty; and moreover, that they are making commissions within the United States, and to enlist, or encourage the enlistment of men, natives or inhabitants of these States, to commit hostilities on nations with whom the United States are at peace, in direct opposition to the laws of the land: I have in charge, from the President of the United States, to give notice to all the consuls and vice consuls of France, and the United States as I hereby do to you, that if any of them shall commit any of the acts before mentioned, or assume any jurisdiction not expressly given by the convention between France and the United States, the exequatur of the consul so transgressing will be immediately revoked, and his person be submitted to such prosecutions and punishments as the laws may prescribe for the case.

I have the honor to be, &c.

TH: JEFFERSON.

Citizen François Dupont, consul, Philadelphia.
Citizen Mannoni, vice-consul, Maryland.
Citizen Mangount, consul, Charleston.
The Citizen Hutaverie, consul from the republic of France, at New York.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, September 9, 1793.

SIR: In my letter of June 25th, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, I undertook to assure you, it would be more agreeable to the President, that such vessels should be detained, under the orders of your own, or the consuls of France, than by a military guard, until the Government of the United States should be able to inquire into and decide on the fact. In two separate letters, of the 29th of the same month, I had the honor to inform you of the claims, lodged with the Executive, for the same ship William and the brig Fanny; to enclose you the evidence on which they were founded, and to desire that, if you found it just, you would order the vessels to be delivered to the owners; or if overweighed, in your judgment, by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence, and that the consuls of France might report the vessels in their custody; in the mean time, until the Executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am, therefore, sir, to repeat the request of early information on this subject, in order, that, if any injury has been done these interested, it may be no longer aggravated by delay.

The intention of the letter of June 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard, (which, in the case of the ship William, appeared to have been disagreeable to you) the indulgence was, of course, to be understood as going only to cases where the Executive might take or keep possession with a military guard, and not to interfere with the authority of the courts of justice, in any case wherein they should undertake to act. My letter of June 29, accordingly, in the same case of the ship William, informed you, that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the Executive to interfere in it.

Consequently, this alone put it in their power to leave the vessel in the hands of the consuls. The courts of justice exercise the sovereignty of this country in judiciary matters, are supreme in these, and liable neither to control, nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the consul of New York, in the first instance, and yourself in a subsequent one, forbade an officer of justice to serve the process with which he was charged from his court, on the British brig William Fell, taken by a French armed vessel, within a mile of our shores, as has been deposited on oath, and brought into New York, and that you had even given orders to the French squadron there to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it, within the body of the country, by force of arms?

I forbear to make the observations which such a measure must suggest, and cannot but believe, that a moment's reflection will evince to you the depth of the error committed in this opposition an officer of justice, and in the means proposed to be resorted to in support of it.

I therefore charged to declare to you expressly, that the President expects and requires, that the officer of justice be not obstructed, in freely and peaceably serving the process of his court; and that, in the mean time, the vessel and her cargo be not suffered to depart, till the judiciary, if it will undertake it, or himself, if not, shall decide whether the seizure has been made within the limits of our protection.

I have the honor to be, &c.

TH: JEFFERSON.
Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Pleni Potentiae of Great Britain.

PHILADELPHIA, September 9, 1798.

Sir:—I have the honor to acknowledge the receipt of your two memorials, of the fourth and sixth instant, which have been duly laid before the President of the United States.

The present state and the circumstances which have occasioned the French squadron, now in New York, to seek asylum in the ports of the United States, driven from those where they were on duty, by the superiority of the adversary party, in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives, from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received, and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to show that no inconvenience could have been produced to the trade of the other belligerent Powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, England, and all other nations, have a right to cruise on our coasts—a right, not derived from our permission, but from the nature and advantage of the case. The ancient and advantageous France has secured to herself, by treaty with us, (as she has alone, also, by a treaty with Great Britain, in the event of a war, with any other Power) two special rights: 1st. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles of our treaty, is secured to her exclusively of her enemies, as is done for her in the like case by Great Britain, were her present war with us, instead of Great Britain, 2d. Admission for her public ships of war in our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive; as we are bound by treaty to receive the public armed vessels of France, and are not bound to exclude those of her enemies, the Executive had never denied the same right of asylum, in our ports, to the public armed vessels of the United States, as far as the said case of stress of weather, or other cause, may press. And should the said (as I now state) need, or necessity, (such as stress of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c.) And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquires into the nature, as well as the degree, of their necessities which drive them hither, as endless as they would be fruitless; for the As the President is made sensible of the character of the act of opposition, made to the service of legal process on the brig William Tell; and he presumes, the representations made on that subject to the minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Van Berckel, Resident of the United Netherlands.

PHILADELPHIA, September 9, 1798.

Sir:—I have the honor now to acknowledge the receipt of your memorial of the 5th instant. You cannot be uninformed of the circumstances which have occasioned the French squadron, now in New York, to seek an asylum in the ports of the United States; driven from those where they were on duty, by the superiority of the adversary party, in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives, from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received, and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to show that no inconvenience could have been produced to the trade of the other belligerent Powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, Holland, and all other nations, have a right to cruise on our coasts—a right, not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by treaty with us, two special rights: 1st. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles of our treaty, is secured to her, exclusively of her enemies, and there is a salvo of it in her favor, in our treaty with the United Netherlands. 2d. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive, and is secured also to the United Netherlands, by our treaty with them. And their said public armed vessels are accordingly free to come into our ports, in all cases of stress of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquiries into the nature, as well as the degree, of their necessities, to drive them hither, as endless as they would be fruitless; for the

As it has ever been conceived, that either would detain their ships of war in our ports, when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie idle in our ports, from year’s end to year’s end, if they choose it. Thus, then, the public ships of war of both nations, en out of our ports, not under the pressure of urgent necessity, but whenever their comfort or convenience induced them. On this ground, also, the two nations are on a footing.
friendly Powers. And though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty, made long ago, for valuable considerations, not with a view to present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed, without offence to any; and we mean faithfully to observe it. And this has been expressly admitted, as was before observed, in our treaty with the United States.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these States, the honor and rights of the States themselves were sufficient motives for the Executive to take measures to prevent its continuance. The administration of that jurisdiction, as it has been allowed, but as it is allowed; for it may be allowed, these measures, believing they would be sufficient; but finding, at length, they were not, such others have been lately taken as can no longer fail to suppress this irregularity completely.

I have the honor to be, &c.

TH: JEFFERSON.

The Citizen Genet, Minister Plenipotentiary from the republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, September 6, 2d year of the French republic.

SIR:—I have just discovered the most horrible conspiracy which has been formed against the arms of the French republic; I have just discovered the whole crew and all the proofs of the infernal plot, which, for these two months, detained the French squadron in your ports in a state of nulity,—of that plot which threatened, not only the safety of our vessels, but also that of our colonial possessions. The traitors Galbaud and Tanguy, and several other villains, not satisfied, with having caused, at St. Domingo, the spilling of the blood of an immense number of people; not satisfied with having there caused the loss of a milliard to the republic, concerted here, at Baltimore, and at Philadelphia, the project of bringing our forces to concur with them in the execrable plan meditated by these men, whose crimes have caused them to flee their country, to return to St. Domingo, for the purpose of renewing there the horrors and misfortunes which they have already committed in that place. I have been informed that the success which the colonists of this place promised to themselves was nothing less than founded, as was that, the execution of which has lately been attempted in the Windward Islands, upon a proposed alliance with the enemies, now at war with the republic, of England and Spain.

France, sir, in such circumstances, has required in Europe of the neighboring Powers, that they oppose every preparation which may be attempted by the emigrants in their dominions against her safety. She expects from a friendly and allied government, that it will be sufficient to notify them of the plots forming against her in their own territories. She has already superseded their officers and agents, there has already been sent them a vessel which was in the most alarming state of rebellion; but the insurgents of it have fled, and I learn that they are spreading over the continent, where they cannot but be very injurious, as well to the tranquillity of this, as to the interest of their own country.

I therefore request the Federal Government to take the most speedy and efficacious measures to have them arrested, and thereby prevent them from committing the crimes which they might attempt. The Governor and magistracy of New York have issued warrants against Galbaud, Tanguy, Conscience, and Bonne; but they have each escaped the activity of the persons sent to apprehend them. The traitors fly the punishment reserved for their crimes, and doubtless will employ themselves on new means of executing the plots they have formed against France. I have positive information that they are still within the confines of the United States; and, as the warrants of New York cannot be served out of the bounds of the State, I particularly request from the Federal Government, against the said Galbaud, Tanguy, Conscience, and Bonne, of whom I submit a description, orders of arrest, which shall extend throughout the continent of the United States. I also request that the most strict and steady attention may be paid to the plots I have mentioned.

May this signal act, leave no doubt as to the sincerity of the wishes of the Government of the United States for the success of the French republic, cause all these traitors to tremble, whom my esteem for your country has led me perhaps too much to despise, and who avail themselves of the access which the kindness and hospitality of your nation offer them, to conspire, within its bosom, and in the circle of its most elevated personages, against France and the general freedom of nations.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

PHILADELPHIA, September 12, 1793.

SIR:—I have the honor of your letter of the 6th inst. and can assure you with real truth of the readiness and zeal with which I have executed the instructions of the Limited States, in the matters of their negotiations with the lawful minister of the French republic. The measures which are there described have not been so fortunate as I should have wished; but I cannot doubt that the union of the States, with the success which is to be seen in every part of the Union, will, in the end, produce the effects which were then expected. I should mention also, that I have already transmitted your letter to Congress, and that they have approved of the conduct which I have observed in this particular.

The evil of protecting malefactors of every dye is sensibly felt here, as in other countries; but until a reformation of the criminal codes of most nations, to deliver fugitives from them, would be to become their accomplices; the former view is therefore the lesser evil. When the consular convention with France was under consideration, this subject was then discussed, and, in the opinion of the lawyers to whose qualifications I was able to appeal, there was a perfect concurrence, that we agree mutually to deliver up "captains, officers, mariners, sailors, and all other persons being part of the crews of vessels," &c. Unless, therefore, the persons before named be part of the crew of some vessel of the French nation, nor persons in this country is authorized to deliver them up, but, on the contrary, they are entitled to the protection of the laws. If you are to be a domiciled judge of each State is, by the law of Congress, the competent person to execute this article of the convention, and consequently each within his State, and no one over all the States; so that as criminals they cannot be given up, as such. But the act of Congress has not given authority to any one officer to send his process through all the States of the Union. The other branch of your request is more completely provided for by the laws, which authorize coercions as to expeditions formed in the territory of the United States against nations with whom they are at peace. If, therefore, you will be pleased to give me such information as to persons and places and may indicate what points the vigilance of the officers is to be directed, proper measures will be immediately taken for preventing every attempt to make any hostile expedition from these States against any of the dominions of France. The stronger the proofs you can produce, and the more pointed as to persons, the stronger will be the means of coercion which the laws will allow to be used.

I have not yet laid this matter before the President, who is absent from the seat of government; but to save delay, which might be injurious, I have taken the liberty, as the case is plain, to give you the advisary answer. I shall immediately communicate it to the President, and if he shall direct any thing in addition, or alteration, it shall be the subject of another letter. In the mean time, I may venture to let this be considered as a ground for your proceeding.

I have the honor to be, &c.

TH: JEFFERSON.
FOREIGN RELATIONS.

Mr. Jefferson, Secretary of State, to Mr. Hamilton, Secretary of the Treasury.

PHILADELPHIA, September 12, 1793.

Sir: I have the honor to enclose you a paper delivered me by Mr. Bourronville, on the part of the minister of France, reclaiming against the demand of tonnage on the vessels which came hither from the West Indies, in their late calumny. It is asserted, that they were driven out of their harbors by superior force, and obliged to put to sea without water or stores, and therefore to make the first ports where they could be relieved; which constitute, in their opinion, those circumstances of distress and necessity, which exempt vessels from the payment of tonnage. This case belongs to your department. I take the liberty, in the absence of the President, and to save time, to transmit it to you directly, for your consideration.

I have the honor to be, &c.

TH. JEFFERSON.

Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, September 24, 1793, 2d year of the republic of France.

Sir: I am charged to communicate to you the decree rendered by the National Convention, on the 15th of April last, by which they declare, "That the French People shall not intermeddle, in any manner, with the government of other Powers; but that they will not suffer any Power to intermeddle with the interior administration of the republic, and pronouncing the penalty of death on whoever shall propose to negotiate or treat with enemy Powers, who shall not have solemnly acknowledged the independence and sovereignty of the French republic."

When the French citizens, by the example of those of America, have thought proper to establish a Government founded on the rights of man, it was to be expected, that they would find enemies in all those ambitious and eager for authority; in all the cabinets in which Machiavelism is honored; and when the French people, soured, fatigued with the dark machinations of their enemies, the public attacks, the insults contained in the acts of the despotic courts, of governments tending to monarchy, have thought proper to repel these perfidies by acts marked with the stamp of loyalty, greatness, philosophy, even at the instant their vile enemies reported that they wished to annihilate all the governments, to destroy all authority, to spread trouble and confusion throughout, as if to oppose a provocation was not a natural right as if a great people, victim of the particular hatred of the government of another people, had not the right to retaliate their fears, to enlighten them as to their errors, and to endeavor, by these pleasant and just means, to ward off great misfortunes—even to prevent war. Be this as it may, the National Convention has thought it a duty, to assure the friends of humanity, and to shut the mouths of their enemies, to proclaim the intents of the French People, whose agents will show, in every circumstance, that they know as well how to respect the laws of other people, as to defend those of the French nation, and to maintain their rights.

Accept my respect.

GENET

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

MONTICELLO, in Virginia, October 2, 1793.

Sir: I was honored yesterday with your letter of the 14th of September, covering the commission of the citizen Darnery, to be consul of the republic of France, at Boston. I now lay the same, by letter, before the President, to obtain his exequatur, which will be forwarded to you with the commission. The exequatur is made exactly commensurate with the commission but I apprehend that neither is so with the intentions of the Executive Council, who probably did it more to confirm the expectations of Mr. Darnery to the township of Boston. Should this be the case, you will be sensible of the expediency of obtaining for him, as early as possible, a new commission, defining the limits of his office as extensively as they mean he shall exercise them, to which a new exequatur being adapted, their intentions will be fulfilled.

Satisfied that errors in the address of their commissions proceed from a want of intimacy with our constitution, no difficulty has been made, on that account, in the case of the present commission; but it is my duty to remark to you, that, by our constitution, all foreign agents are to be addressed to the President of the United States, to other branch of the Government being charged with the foreign communications. I have no doubt you will draw the attention of your Government to this circumstance of form in future commissions.

I have the honor to be, &c.

TH. JEFFERSON.

George Washington, President of the United States of America, to all whom it may concern:

The citizen Darnery having produced to me his commission, as consul for the republic of France, at Boston, I do hereby recognise him as such, and do declare him free to exercise and enjoy such functions, powers, and privileges, as are allowed to consuls of the French republic, by the laws, treaties, and conventions, in that case made and provided.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, the day of , in the year of our Lord, 1793, and the independence of the United States of America the eighteenth.

By the President:

TH. JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Duplaine, Vice Consul of France, at Boston.

October 5, 1793.

Sir: Authentic information being received, that, under color of your office as vice consul of the republic of France, you have, with an armed force, opposed the course of the laws of the land, and rescued out of the hands of an officer of justice a vessel which he had arrested by authority of a precept from his court, the President of the United States has considered it as inconsistent with the authority of the laws, and the respect which it is his office to enforce to them, that you should any longer be permitted to exercise the functions, or enjoy the privileges, of vice consul in these United States; and has therefore thought proper, by the letters patent, of which I enclose you a copy, to revoke the exequatur heretofore granted you, and to make the same public. I have the honor, also, to enclose copies of the evidence whereon this measure is founded. And to be, &c.

TH. JEFFERSON.
THE PRESIDENT OF THE UNITED STATES OF AMERICA TO THE MARSHAL OF OUR DISTRICT OF MASSACHUSETTS:

The President of the United States of America to the Marshal of our District of Massachusetts, or his Deputy, greeting:

We command you, that you repel the goods and chattels following, viz: A certain schooner, called the Greyhound, of the burden of forty tons, or thereabouts, whereof John Henry Hill was late master, together with her boat, rigging, tackle, apparel, and furniture whatsoever; also the cargo of said schooner, now on board the same, consisting of ninety-five thousand mackerel, in bulk, equal to four hundred barrels; the same goods and chattels before described, and a vessel, called the Bell, of the burden of forty tons, or thereabouts, belonging to and attached by the Marshal, now taken and detained by Lewis Guillaume Felix Launoues, of Boston, in said district, at Boston harbor, so called, in Boston aforesaid; and them deliver unto the said Brymer and Belcher; provided the same are not taken and detained upon mean process, warrant of distress, or upon execution, as the property of the said Brymer and Belcher; and summoned the said Lewis, that he appear before our justices of our circuit court, next to be held at Boston, within and for our district of Massachusetts, on the eleventh day of October next, to answer unto the said Brymer and Belcher, in a plea of replevin: to wit, that the said Lewis, on the twenty-first day of August instant, at said Boston, unwilling to make the said replevin, and without any justifiable cause, took the goods and chattels of the said Brymer and Belcher, as aforesaid, and them unlawfully detained to this day, to the damage of the said Brymer and Belcher, as they shall hereunto subscribe, the sum of two thousand dollars: Provided, they, the said Brymer and Belcher, shall give bond to the said Lewis, with sufficient surety or sureties, in the sum of four thousand dollars, being twice the value of the said goods and chattels, to prosecute the said replevin to final judgment, and to pay such damages and costs as the said Lewis shall recover against him; and also to return and restore the same goods and chattels, in like good order and condition as when taken, in case such shall be the final judgment. And have you there this writ, with your doings herein, together with the bond you shall take.

Witness John Jay, Esquire, at Boston, this twenty-first day of August, in the year of our Lord one thousand seven hundred and ninety-three.

N. GOODALE, Clerk.

I, THOMAS AMORY, Jun., do subscribe, That, on the 22d day of August, at the request of C. Gore, Esq., and General Brooks, I went with the latter on board the frigate La Concorde, introduced him to the captain, and informed Captain Van Dagen, that General Brooks was marshal of this district, and waited on him relative to the schooner which Col. Bradford had attempted to repel, but was interrupted in the service of his precept by an armed vessel, the frigate's, which boarded the Schooner, and the officers of the vessel, under the order of the ship's captain, received the orders from the consign to withhold and protect that it was his duty; and he certainly should have protected. The consul said that any vessel wearing the national flag of the republic of France, of course, was entitled to his protection; when General Brooks put this case: should a French merchantman be attached in this port by a citizen of the United States, would you consider it your duty to take that vessel under your protection against the process? The consul answered in the affirmative. The captain afterwards told me that he had written to the Governor, and that if he demanded the prize, he must of course relinquish her, forwarding the Governor's reply with copy of his letter to the minister of France. The consul then appointed to meet at his lodgings in the evening, where I accompanied General Brooks, and after much conversation, the consul said, he did not wish to oppose force to the execution of our laws; that he left the frigate in a great hurry, or he should then have given orders to Captain Van Dagen to withdraw his men out of the prize, and leave him to dispose of it. I told the consul that General Bradford, and he and I would then do it, but should at the same time protest against the business. At that moment Mr. Jutau came into the room, and said a few words to the consul in French; the consul turned about, and said he should not relinquish the vessel; when I reminded him of what he had just before promised. He said again, he was sorry for the difficulty. The marshal then said, that a great deal had passed on the subject, and he now wished a categorical answer to his demand. The general wished to know if he was to understand, that he, the consul, refused to allow Colonel Bradford to take charge of the vessel. The consul said he did not, certainly did not, wish to oppose force to the officers of law in this country. Said he wished them to write, and promised to answer, conclusively, in the morning. Friday morning, August 24, 8 o'clock. This morning General Brooks, communicated to me what the consul had communicated to him, and General Brooks informed him he should make a representation of the business to the Government. I then handed the consul an open letter from C. Gore, Esq. and took leave, with General Brooks: a copy of which letter is hereunto annexed.

BOSTON, September 10, 1793.

The consul did, in my presence, read part, or the whole, of the letter referred to, and made no reply.

THOMAS AMORY, Jun.

Sworn to, September 10th, 1793, before

J. LOWELL,

Judge of the District Court of Massachusetts District.

BOSTON, August 22, 1793.

SIR:

I have been informed that the marshal of the district of Massachusetts, yesterday, in obedience to a precept from the circuit court of the United States, reprieved a vessel in this harbor; that after he had so reprieved the vessel, he had also armed men, acting by your order, and under your authority, forcibly took him from the vessel, and now resist the execution of the precept. As attorney for the United States, in a district of the United States, I do demand of you that you remove the force and obstruction which you oppose to the laws of the United States. I am, sir, your obedient servant.

Mr. DUPLAINE, Vice Consul.

I, Rufus Greene Amory, of Boston, in Massachusetts District, of lawful age, testify and say, That, on the twenty-second day of August last, being informed that the schooner Greyhound, against which I had issued a writ of replevin, in favor of Messrs. Brymer and Belcher, returnable to the next circuit court for said district, was taken from Colonel Bradford, the deputy marshal, by some French people, I went on board the ship of
war called the Concorde, commanded by Captain Van Dogen, to inquire if the said schooner was under his custody. The said captain informed me that she was under his protection. I told him that the civil officer, Colonel Bradford, as marshal of the district, had gone on board the said schooner to replcy her under process of law. That on the evening before, while the said marshal was on board said schooner, by virtue of his precept, some armed people went on board, and against the will of said marshal, had brought said schooner near his ship, and I asked him, if the same was done by him or by his direction and commission. The said captain, Van Dogen, told the marshal to have made some attempt to carry the said schooner away from her anchorage in the night time, and that, to prevent the same, he had ordered some of his people on board her, and had directed her to be brought nearer to his ship, where she then was. I asked him if he would deliver the schooner to the civil officer, and he replied, that he had not at that time, received any order from the consul of France. I asked him if the said schooner was in his custody before the marshal had entered on board her. He said that he had none of his people on board; but she came into harbor under French colors as a prize, and that the captain of her had asked his leave for anchorage, where she had come too, and, as being under a French commission in public service, he had considered the said vessel under his protection.

RUFUS G. AMORY.

September 10th, sworn to, before

J. LOWEY.

Judge of the District Court of Massachusetts District.

I, the said Rufus Greene Amory, further testify, that said Captain Van Dogen told me, that he had complained to the Governor concerning the attempt to carry away the said schooner in the night time, without his leave.

RUFUS G. AMORY.

I, John Brooks, marshal of the district of Massachusetts, do testify and say, That on the twenty-second day of August last, being in Boston, and finding that Colonel Samuel Bradford, deputy marshal for said district, in serving a writ of replevin upon the schooner Greyhound, had been prevented by a party to the vessel, commanded by Captain Van Dogen, of the French frigate "La Concorde," I went on board said frigate to demand of the captain the restoration of the said schooner. Upon my opening to Captain Van Dogen the object of my visit, (which was done in the presence of Mr. Duplaigne, the French consul, Mr. Justice Cooper, and Mr. Thomas Amory,) he discovered considerable warmth and dissatisfaction, and was at length inclined to inform me, that Americans having been taken from on board a French vessel, as well as at the attempt of Colonel Bradford to possess himself of a vessel bearing the colors of France, while under the protection of a ship of force belonging to the French republic. As my object was to demand of Captain Van Dogen restoration of the schooner aforesaid, and to obtain from him a categorical answer, I avoided as much as possible the discussion of any subject irritative thereto; and at length obtained from him a declaration, that as he had received his orders from the French consul, for doing what he had done, and as it was his duty to obey the consul, he could not surrender the schooner. That he was an officer, and must obey his orders. I instantly went to Captain Van Dogen having made the above mentioned declaration, which was done in presence of the French consul, the latter observed to me, that he thought it a pity that any difficulty should arise about the schooner; that he believed, if he and myself were to take our papers, we could settle the whole affair in a few minutes, and proposed that I should meet him on shore in one hour. To this I agreed, and we met accordingly. The result, after more than an hour's conversation at this interview, was a proposition for another the next morning at 8 o'clock. At the time assigned, I again waited on the consul at his lodgings. Upon my entering the house, he informed me, that he had come to a determination about the schooner; that things should remain as before, and that his orders should be executed by the said schooner being condemned, and the vessel, as the property of the Governor, and that if the Governor did not do something about it, he should advertise the schooner in the newspapers, and if in six days nobody proved a claim to her, he should condemn her to the captnors, or words to that effect.

I further testify, that, in the conversation with Captain Van Dogen, I informed him, that, by the laws of the French republic, it was the duty of commanders of the ships of the said republic, when in foreign ports, where there were French consuls, to obey the orders of such consuls; that the consuls were admirals, or had the power of admirals, or words to that effect. Captain Van Dogen said this in the presence of the French consul.

I further testify, that Mr. Duplaigne, the French consul, told me, it had been his design to withdraw the armed force from the schooner Greyhound, at the command of Mr. Duplaigne, that he had ordered to me a party of armed merchants; said Bradford wanted my assistance in the service of said writ. We got on board just after nine o'clock, and saw one person on board, who appeared to be a Frenchman. Colonel Bradford made known to him, he had a process against the said vessel, and informed him of the said Frenchman, that he was of the vessel which appeared to be a privateer, and a person came on board, who said, that he was prize-master of said schooner. Mr. Bradford then made known to him that he had a precept or writ of replevin, and by virtue of that he had taken possession of the schooner. The prize-master then requested that he might call for Mr. Jutau, who was said to be on board the frigate Concorde; soon after which Mr. Jutau came on board with some other persons, the said marshal then made known to Mr. Jutau the purpose and authority by which he had come on board; said Jutau explained the same to those persons on board said schooner. Mr. Jutau soon after went on board the frigate; an officer and about twelve men came on board, from the frigate, all armed. The said officer, soon after, ordered the schooner to be removed near to the frigate. The marshal told said officer his authority by which he had taken possession, and forbid him to move the said schooner; this removal was between ten and eleven

Sworn to, September 10th, 1793, before

JOHN LOWELL.

Judge of the District Court of Massachusetts district.

J. BROOKS.

United States, District of Massachusetts, September 10, 1793.

Then Thomas Amory esq. Rufus Greene Amory, Nathaniel Byfield Lyde, and John Brooks, Esquire, made oath to the truth of the annexed depositions, by them respectively subscribed, in the presence of Antoine Charbonnet Duplaigne, and declared, that they did not recollect any other material circumstance relative to the matter in inquiry; and the annexed deposition of Samuel Bradford, is transcript of his deposition taken under like circumstances. Before

JOHN LOWELL.

Judge of the District Court of Massachusetts district.

I, Nathaniel Byfield Lyde, of lawful age, testify and say, That on the evening of the twenty-first of August, instant, at the request of Samuel Bradford, Esq. marshal of Massachusetts district, I went with him on board the schooner Greyhound, lying off the end of Long wharf, in the harbor of Boston. The said Bradford went on board of said schooner, as I understood, to serve a writ of replevin against the said schooner, which issue from the schooner Greyhound, and informed me that he had been ordered by the French consul to have the vessel in order to have said force withdrawn; in which case, he said, he should protest against the measures thus pursuing by the Government, meaning the Government of the United States; but that he, the said consul, afterwards refused to withdraw said force as above said.

United States, District of Massachusetts, September 10, 1793.

Then Thomas Amory jr. Rufus Greene Amory, Nathaniel Byfield Lyde, and John Brooks, Esquire, made oath to the truth of the annexed depositions, by them respectively subscribed, in the presence of Antoine Charbonnet Duplaigne, and declared, that they did not recollect any other material circumstance relative to the matter in inquiry; and the annexed deposition of Samuel Bradford, is transcript of his deposition taken under like circumstances. Before
I, Samuel Bradford, Deputy Marshal of the district of Massachusetts, do testify and say, That, on Wednesday, the twenty-first day of August, at about seven of the clock, P. M. I was possessed of a writ, Bryant and Capt. John H. Brymer, commanding a schooner, having on board, Mr. Jutau, whom I knew to be a pupil of the law, to give me possession of a certain prize, the schooner, that I immediately proceeded to serve the said process, and was accompanied on board the said schooner, then lying in the harbor of Boston, by Captains Lyde and Hayman. We found only one man on board; I inquired for Mr. Laumosne, the prize-master. The Frenchman hailed the private Rowland, and at my request, informed the people on board said private, that an American had business with Mr. Laumosne. The said Laumosne came on board, attended by the Captain of the private; I read the precept to the prize-master, and explained to him the nature of the process, and observed that a bond was given to support any damages that might arise from my taking possession of the schooner; I added, that I was then in possession of the schooner, and that, at a proper time, I should remove said vessel to the wharf. The prize-master observed, that Mr. Jutau came on board the private, and that he should send for him, to which I consented. Soon after, Mr. Jutau came on board the schooner. I then informed him of the process that I had against the said schooner; read to him the said bond, and stated, that he was allowed to remain on board, and to serve any writ after dark; the vessel belonged to the republic of France, and could not be attached; and that she was under the protection of the French republic; and he made many other observations to the same effect. I replied, that, as far as his powers allowed, he should strictly obey the line of duty. Mr. Jutau left the schooner, and told the prize-master to remain on board. After he had left, I requested him to inform Mr. Laumosne, that after the schooner was hauled to the wharf, I should require him to go on shore. Mr. Jutau replied, that I might inform the prize-master myself, and that I must force him from the vessel. In about half an hour after Mr. Jutau's departure on board the frigate, an officer came thence on board the schooner; he was a lieutenant, and I heard him inform the prize-master, that I should not remove the vessel. In about an hour after this, a body of about twelve men (marines) came on board the schooner, from the frigate; the lieutenant read a paper which I suppose were orders. At about half-past eleven o'clock, I addressed the lieutenant, and, after observing to him, that he appeared interested in the case, I assured him, that my writ was against Mr. Laumosne, and that I had nothing to say to him (the lieutenant) relative thereto, and I added, that I had taken possession of the schooner by virtue of my office, as deputy-marshal, and that I should proceed to remove her. He replied, that he should obey the orders of the captain, which were, to remove the said schooner near to the frigate. The lieutenant then ordered the vessel to be removed, and we were hauled between the frigate and the private Rowland. I told the lieutenant, that what he did, he must answer for, and I forbade him, at his peril, to remove the said schooner. I asked the said lieutenant, if he had brought the armed force to prevent my removing the schooner; he replied in the affirmative. Finding myself opposed in the progress of serving my precept, by an armed force, I dismissed the men who were on board to give me aid in conducting the schooner to the wharf. Sometime after, the lieutenant retired from the schooner, and took off his men, excepting a corporal and four, whom he observed, he should leave on board, to take care of said schooner. At about twelve o'clock, A. M. Mr. consul Duplaine, Mr. Jutau, the chancellor, and Mr. Vancredre, in going on shore from the frigate, came on board the schooner. We conversed on the subject. I went over the business again, and told Mr. Duplaine, that I was opposed by an armed force, but that I should not quit the vessel. The consul said, that he should keep possession; but added, if I went on shore, I might return on board in the morning, and that the vessel would remain in the same situation. From the conversation between Mr. Duplaine, Mr. Jutau, the lieutenant of the frigate, the prize-master, and myself, I had no doubt but that the captain of the frigate acted under the orders of Mr. D. A guard was ordered to maintain on board the schooner, from Wednesday till about twelve o'clock, P. M., on Saturday, the 24th. I then went on shore, and told the corporal, previous to his quitting, that he should remain on the private Rowland, and a Frenchman came on board the schooner, after which the guard retired; soon after, the frigate being then under way, and having procured assistance as vice consul of the republic of France, in any part of these United States, or permit him to exercise or enjoy any of the functions, powers, or privileges, allowed to the vice consuls of that nation; and that I do hereby wholly revoke and annul the said execution heretofore given, and do declare the same to be absolutely null and void, from this day forward.

George Washington, President of the United States of America, to all whom it may concern:

The seigneur Antoine Charbonnet Duplaine, heretofore having produced to me his commission as vice consul for the republic of France, within the States of New Hampshire, Massachusetts, and Rhode Island, and having thence received from me an exequatur, bearing date the fifth day of June, 1793, recognising him as such, and declaring him free to exercise and enjoy such functions, powers, and privileges, as are allowed to and granted to the seigneur Antoine Charbonnet Duplaine, having, under color of his said office, committed sundry encroachments, and infractions on the laws of the land, and particularly, having caused a vessel to be arrested, with an armed force, part of the custody of an officer of justice, who had arrested the same by process from his courts and it being therefore no longer fit, nor consistent with the respect and obedience due to the laws, that the said seigneur Duplaine should be permitted to continue in the exercise and enjoyment of the said functions, powers, and privileges; these are, therefore, to declare, that I do no longer recognize the said Antoine Charbonnet Duplaine as vice consul of the republic of France, in any part of these United States, nor permit him to exercise or enjoy any of the functions, powers, or privileges, allowed to the vice consuls of that nation: and that I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void, from this day forward.
FOREIGN RELATIONS.

[1793.]

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed.

Given under my hand, this ______ day of ______, in the year of our Lord 1793, and the independence of the United States of America the eighteenth.

GEO. WASHINGTON.

By the President:

TH. JEFFERSON.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

MONTICELLO, in Virginia, October 3, 1793.

Sir:

In a former letter which I had the honor of writing you, I mentioned that information had been received that Mr. Duplane, vice consul of France, at Boston, had been charged with an opposition to the laws of the land, of such a character as, if true, would render it the duty of the President immediately to revoke the exequatur whereby he was permitted to exercise the functions of vice consul in these United States. The fact has since been inquired into, and I now enclose you copies of the evidence establishing it, whereby you will perceive how inconsistent with peace and order it would be to permit any longer the exercise of functions in these United States, by a person capable of mistaking their legitimate extent, so far as to oppose, by force of arms, the course of the laws within the body of the country. The wisdom and justice of the Government of France, and their sense of the necessity, in every Government, of preserving the course of the laws free and unobstructed, render us confident that they will approve this necessary arrestment of the proceedings of one of their agents; as we would certainly do in the like case, were any consol or vice consul of ours to oppose, with an armed force, the course of their laws within their own limits. Still, however indispensable as this act has been, it is with the most lively concern the President has seen that the evil could not be arrested otherwise than by an appeal to the authority of the country.

I have the honor to be, &c.

TH. JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary of the United States to France.

OCTOBER 3, 1793.

DEAR SIR:

Mr. Duplane, vice consul of France at Boston, having, by an armed force, opposed the course of the laws in this country, within the same, by rescuing, out of the hands of an officer of justice, a vessel which he had arrested by authority of a precept from his court, the President has thought it necessary to revoke the exequatur by which he had permitted him to exercise his functions here. I enclose you copies of the act and of the evidence on which it has been founded, as also of the letters written to him by Mr. Genet; and you are desired to communicate the same to the Government of France, and to express to them the very great concern with which the President has seen himself obliged to take a measure with one of their agents, so little in unison with the sentiments of friendship we bear to their nation, and to the respect we bear to their authority. But conscious we should deem it an act of friendship in them to do the like in the like case, and to prove their confidence in our justice and friendship, by instantaneously desisting from a repetition of the act, any consul or vice consul of ours, who should once have been guilty of such an aggression on their authority, we rely on the same friendly construction, on their part, of the disagreeable measure now forced on us.

I have the honor to be, &c.

TH. JEFFERSON.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

GERMANTOWN, November 5, 1793.

SIR:

I have the honor to enclose you the copy of a letter from Mr. Moissonier, consul of France, at Baltimore, to the Governor of Maryland, announcing that Great Britain is about to commence hostilities against us, and that he purposes to collect the naval force of your republic in the Chesapeake, and to post them as a vanguard to derange the supposed designs of the enemy.

The bare suggestion of such a fact, however improbable, renders it a duty to inquire into it; and I shall consider it as a proof of your friendship to our nation, if you have it in your power, and will be pleased to communicate to me the grounds of Mr. Moissonier’s assertion, by any other respectable evidence of such an intention, on the part of Great Britain.

In the mean while, as we have reason to believe it unfounded; as they have in no instance, as yet, violated the sovereignty of our country, by any commitment of hostilities, even on their enemies within our jurisdiction; we presume with confidence that Mr. Moissonier’s fears are groundless. I have it, therefore, in charge, to desire you to admonish Mr. Moissonier against the parade he proposes, of stationing an advanced guard in the bay of Chesapeake, and against any hostile array, which, under the profession of defensive operations, may in fact generate those offensive. I flatter myself, sir, that you will be so good as to join the effect of your authority to that of our Government, to prevent measures on the part of this agent of your republic, which may bring on disagreeable consequences.

I have the honor to be, &c.

TH. JEFFERSON.

Citizen Moissonier to General Lee, Governor of the State of Maryland.

Baltimore, October 23, 2d year of the French republic.

The liciticide system, which directs the European cabinets, is going to manifest itself towards the United States. England, that Power to which they have been so complaisant, is getting ready to fall upon them. The preparations are made, and I see, with pain, that no dispositions whatever are made to oppose any resistance to them.

The indifference of this state cannot exist as to our interests. This bay contains the riches of our commerce of St. Domingo, and the only hope of the French nation. We shall become infallibly the first victims of this carelessness, if I am not able to obtain from you, sir, that the forts which defend the entrance of the Chesapeake be put into condition.

In the mean while, and in pursuance of the orders of the minister, I am going to collect all the maritime forces which the republic has in this bay, to form a vanguard, sufficiently formidable, and to demerge, if it be possible, the projects of our common enemies.

I have the honor to be, &c.

F. MOISSONIER.
Mr. Jefferson, Secretary of State, to Mr. Genet, Minister of France.

Germantown, November 8, 1793.

SIR: I have now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that Governments and jurists have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their sea coasts, to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance, to which any responsible agent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea-league. Some intermediate distances have also been insisted on, and that of three sea-leagues has been one of its favorers. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, as to broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the Powers interested in this navigation, to fix on the distance to which we may ultimately insist on the rights of the United States, so as to be under his authority, to consider those heretofore given them as restrained for the present to the distance of one sea-league, or three geographical miles from the sea shores. This distance can admit of no opposition, as it is recognized by the Prusso, with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked, within the body of the United States.

Examining, by this rule, the case of the British brig Fanny, taken on the 8th of May last, it appears from the evidence, that the capture was made four or five miles from the land, and consequently without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Minisiter Plenipotentiary from the republic of France to the United States.

Germantown, November 10, 1793.

SIR: As in cases where vessels are reclaimed by the subjects or citizens of the belligerent Powers, as having been taken within the jurisdiction of the United States, it becomes necessary to ascertain that fact, by testimony taken and attested by the President, the Governor of the several States, to whom the applications will be made in the first instance, are desired immediately to notify thereof the attorneys of their respective districts. The attorney is thereupon instructed to give notice to the principal agent of both parties, who may have come in with the prize, and also to the consuls of the nations interested, and to recommend them to appoint, by mutual consent, agents to act at Germantown on the jurisdiction of the United States, as stated to you in my letter of the 8th instant, according to whose award the Governor may proceed to deliver the vessel to the one or the other party. But in case the parties, or consul, shall not agree to name arbitrators, then the attorney, or some person by him, is to notify them of the time and place, when and where he will, in order to take the depositions of such witnesses as they may cause to come before him, which depositions he is to transmit for the information and decision of the President.

It has been thought best to put this business into such a train, as that the examination of the fact may take place immediately, and before the witnesses may have again departed from the United States, which would too frequently
happen, and especially in the distant States, if it should be deferred till information is sent to the Executive, and a special order awaited to take the depositions. I urge it with the more earnestness, because, as the attorneys of the districts are for the most part engaged in much business of their own, they will rarely be able to attend more than one day or two, and may, indeed, by the party who should fail, from negligence or other cause, be prevented from witnesses at the time and place appointed, might lose the benefit of their testimony altogether. This prompt procedure is the more to be insisted on, as it will enable the President, by an immediate delivery of the vessel and cargo to the party having title, to prevent the injuries consequent on delay.

I have the honor to be, &c.

TH: JEFFERSON.

[Translation.]

The Citizen Genet, Minister Plenipotentiary from the republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 14, 1793, 24 year of the French republic.

SIR: I have received the epxeqnatur of citizen Dannery's commission as consul, and immediately transmitted it to that public officer.

I shall present to the Executive Council of the republic, sir, the judicious reflections which you have made on the attribution of the consular functions of our consuls to the limits of the cities of their residence; which, certainly, is not the intention of the Council. I shall also lay before them the observation you have made relatively to the address of our consular commissions; and they, in their wisdom, will adopt the alterations of which this matter appears susceptible, agreeably to the text, spirit, and basis, of your constitution. However, as it is not explicit in this respect, and as the functions attributed to the President of the United States, relatively to the reception of foreign ministers, appear to be only those which are fulfilled in courts by the first ministers, for their pretended sovereigns, to verify purely and simply the powers of foreign agents accredited to their masters, and irrevocable by them when once they have been admitted, I should be glad, sir, in order the better to fix the ideas of the French Council on this interesting question, that you would have the goodness to enlighten it with your knowledge, and that of your learned colleagues, which I shall faithfully transmit to my superiors.

Accept my respect.

GENET.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary from the republic of France to the United States.

GERMANTOWN, November 22, 1793.

SIR: In my letter of October 2, I took the liberty of noticing to you, that the commission of consul to M. Dannery ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation; and whatever he communicates as such, they have a right, and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of Government, under the pretext of either transgressing their functions, or to make himself the umpire and final judge between them. I am, therefore, sir, not authorized to enter into any discussions with you on the meaning of our constitution in any part of it, or to prove to you, that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I have observed to you that we were persuaded, that, in the case of the consul Dannery, the error in the address and proceeded from no intention in the Executive Council of the President, and therefore no difficulty was made in issuing the commission. We are still under the same persuasion. But in your letter of the 14th instant, you personally question the authority of the President, and, in consequence of that, have not addressed to him the commissions of Messrs. Pennenvert and Charette, signing a point of this facility on your part; it becomes necessary, sir, to respect the President, and I am therefore charged to return you these commissions, and to inform you that, bound to enforce respect to the order of things established by our constitution, the President will issue no exequatur to any consul or vice consul, not directed to him in the usual form, after the party, from whom it comes, has been apprized that such should be the address.

I have the honor to be, &c.

TH: JEFFERSON.

[Translation.]

The Citizen Genet, Minister Plenipotentiary from the Republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, Sept. 14, 1793, 3d year of the French republic.

SIR: The multiplied business, with which I have been loaded since my stay here, has not hitherto permitted me to acknowledge the receipt of your letter to me of the 5th of August; it came daily to hand, and, as the decisions it contains are only the consequence of those on which I have already made the strongest and the best founded representations, I have thought that I should leave the care of executing them to the Federal Government, because it is not my business, in any manner, to give the consuls of the republic orders contrary to the sense of our treaties, to prescribe them to conform, relatively to the armaments and prizes made by our vessels, to the instructions given them by authority superior to mine, and to enjoin on them to suspend the effect of the commissions that our privates hold from the Executive Council, and not from their delegate. With respect to the indemnity promised by the President of the United States to the English minister, in virtue of the principles he has established, it is not more in my power to consent to it, as, in my opinion, it is not in his to promise it. For in order to operate this new appropriation of the funds of the republic, the consent of the legislative bodies of both parties is indispensable.

However, sir, though I have not the right to withdraw, authoritatively, the commissions of which our privates are possessed, although I am equally unable to constrain them to submit to decisions which our treaties of alliance and commerce do not sanction, and which the decisions given by several tribunals of the United States, which even the negotiations with you, seem to authorize, you may be assured that, after having supported as long as I have been able, the rights and the interests of the French People, I shall neglect nothing to engage by persuasion our privates to suspend their cruises and change their destination. The object for which we have encouraged the arming of all those little vessels, was to destroy the commerce of our enemies, and to block up their seamen in your ports, for the purpose of accelerating the return of peace by a diminution of their strength. This plan was good, and notwithstanding the obstacles opposed to it, it has so far succeeded, as to bring into our possession fifty of their
vessels, and to condemn to inactivity an infinitely greater number. This object is now accomplished; superior forces will accomplish the rest; and if I have had the misfortune, by my obedience to my instructions, by my obstinacy in acknowledging only the laws and treaties of the United States, to displease some Anglophysists or Anglomen, I have at least the satisfaction of having rendered an important service to my country, whose present policy is entirely devoted to the war.

I am very sensible, sir, of the measures which you have taken to frustrate the odious projects of some emigrants, refugees of St. Domingo, and it were to be wished that we could expel this race entirely, as well as those of the emigrants and aristocrats of Europe, much more dangerous to the peace, liberty, and independence, of the United States, than all the privateers in the world.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

Germantown, November 22, 1793.

Sir: In a letter which I had the honor of writing to you on the 12th of July, I informed you, that the President expected that the Jane of Dublin, the Lovely Lass, and Prince William Henry, British vessels, taken by the armed vessel Citizen Genet, should not depart from our ports until his ultimate determination thereon should be made known. And in a letter of the 7th August, I gave you the further information, that the President considered the United States as bound, pursuant to positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for, prizes, made subsequent to the 5th day of June by privateers fitted out of our ports; that, consequently, he expected you to cause restitution to be made of all prizes taken and brought into our ports, subsequent to the said 5th of June, by such privateers, in defect of which he considered it as incumbent on the United States to indemnify the owners of such prizes; the indemnification to be reimbursed by the French nation.

This determination involved the brig Jane of Dublin, taken by the armed vessel Citizen Genet on the 4th of July, the brig Lovely Lass, taken by the same vessel on the 4th of July, and the brig Prince William Henry, taken by the same vessel on the 5th of June; and I have it in charge to inquire of you, sir, whether these three brigs have been given up, according to the determination of the President, and if they have not, to repeat the requisition, that they be given up to their former owners.

I have the honor to be, &c. TH: JEFFERSON.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

New York, November 29, 1793, 2d year of the republic.

Sir: It is not in my power to order the French vessels, which have received letters of marque in the ports of the United States, in virtue of our treaties, in virtue of the most precise instructions to me, to restore the prizes which they have been authorized to make on our enemies; but I have long since prescribed to all our consuls, neither to oppose, nor allow to be opposed any resistance to the moral force of the justice of the United States, if it thinks it may interfere in affairs relative to the prizes, or of the Government, if it persists in the system against which I have incessantly made the best founded representations.

Neither is it in my power, sir, to consent that the indemnities, which your Government proposes to have paid to the proprietors of the said prizes, should be placed to the account of France. 1st. Because no indemnity is due but when some damage has been occasioned in the use of a right which was not possessed, whereas our treaties and my instructions prove to me that we were fully authorized to arm in your ports. 2d. Because, according to our constitution as well as yours, the Executive has not the arbitrary approbation of the funds of the State; and the Executive Council of France and their delegates could not consent to a reimbursement of the indemnities in question, but when the legislative body shall first have renounced, under its responsibility to the People, the right which I have been expressly instructed to maintain, and afterwards have granted the sums demanded by our enemies, and which have been promised them by the President.

Accept my respect.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France, to Mr. Jefferson, Secretary of State of the United States.

New York, November 11, 1793, 2d year of the French republic.

Sir: The funds which were at the disposition of the French republic for the year 1793 being exhausted by the colonial bills drawn on them; by the considerable expense which the continuance of the vessels of the republic in the ports of the United States occasions; by the succor which I have given to the refugees from the Cape, the supplies of all kinds which I have sent into the French colonies in America; in fine, the divers expenses of the legation and of the administration confided to me; I request the favor of you to make known to the President of the United States, that I am forced, in order to face our engagements, and to relieve our most pressing necessities, to draw on the sums which will become due to France, in the years 1794 and 1795, until Congress shall have taken into consideration the mode of reimbursement which I have been instructed to propose to the Federal Government; our contractors will be content with these assignments, provided they are accepted by the treasury of the United States, to be paid when they become due.

Accept my respect.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

New York, November 14, 1793, 2d year of the French republic.

Sir: It becomes extremely important that you should have the goodness to inform me without delay, whether I can draw, by anticipation, on the approaching reimburrnements of the debt of the United States to France; our agents being informed, that the funds, which were at the disposition of the republic for 1793, are exhausted, have
suspended their supplies and their enterprises, until they shall be assured that the assignments of the debt, which I may make to you, and in support of my powers, shall be paid when due. As without doubt you will form to yourself as just idea of the branches of the service which will suffer, as long as this authority shall be withheld from me, I am persuaded, sir, that you will zealously second me in this negotiation. Two thousand seamen and soldiers whom I support are on the eve of wanting bread. The repairs of our vessels are at a stand. The indispensable expedi-
tions of subsistence for our colonies and France are suspended. The Federal Government, without advancing a single one of the payments fixed by law, can, by two words, signed by you or the Secretary of the Treasury, again put every thing into motion, until Congress shall have taken into consideration the general mode of reimbursement which I have been instructed to communicate to you, and which alone can put me in a condition to supply at least France for the next campaign, since it could not do so for this one. The long nights, the thick fogs, and the heavy seas of winter, will be favorable to our transports, by rendering less probable the painful risks to which the odious principles of England expose neutral vessels, and particularly those of the United States.

Accept my respect.

GENET.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of the French Republic.

Germantown, Nov. 24, 1793.

Sir: I laid before the President of the United States, your two letters of the 11th and 14th instant, on the subject of new advances of money, and they were immediately referred to the Secretary of the Treasury, within whose department subjects of this nature lie. I have now the honor of enclosing you a copy of his report thereon to the President, in answer to your letters, and of adding assurances of the respect and esteem of, sir, &c.

TH: JEFFERSON.

The Secretary of the Treasury, upon two letters from the Minister Plenipotentiary of France, to the Secretary of State, generally bearing date the 11th and 14th of November, instant, respectfully reports to the President of the United States, as follows:

1st. The object of these letters is to procure an engagement, that the bills which the minister may draw upon the sums, which, according to the terms respecting the contracts of the French debt, would fall due in the years 1794 and 1795, shall be accepted on the part of the United States, payable at the periods stipulated for the payments of those sums, respectively.

The following considerations are submitted as militating against the proposed arrangement:

I. According to the view entertained at the treasury, of the situation of the account between France and the United States, adjusting equitably the question of depreciation, there have already been anticipated payments to France, equal, or nearly equal to the sums falling due in the course of the year 1794.

II. The provision by law for discharging the principal of the French debt, contemplates only loans. Of those which have been hitherto made, the sum unexpended is not more than commensurate with a payment which is to be made on the first of June next, in account of the capital of the Dutch debt. It is possible that a fund for this payment may be derived from another loan; but it is known to the President, that, from advances recently received, full reliance cannot be placed on this resource, owing to the influence of the present state of European affairs upon the measures of the United States for borrowing. It need not be observed, that a failure in making the payment referred to would be ruinous to the credit of the United States.

The acceptance of the bills of the minister of France would virtually pledge the only fund, of which there is at present a certainty, for accomplishing that payment; and as this is a matter of strict obligation, directly affecting the public credit, it would not appear probable, that the President will engage that fund for a different object, which, if the issue of the treas-

ure are right, with regard to the state of our account with France, does not stand upon a similar footing.

It would be manifestly unsafe to presume upon contingencies, or to enter into engagements to be executed at distant periods, when the means of execution are uncertain.

But as there appears to be a difference of opinion between the minister of France and the treasury, with regard to the state of the account between the two countries, it is necessary that something on this head should be ascer-
tained. With this view, the Secretary of the Treasury will proceed without delay to take arrangements for the adjustment of the account.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Treasury Department, Nov. 23, 1793.

Mr. Clinton, Governor of New York, to Mr. Genet, Minister Plenipotentiary of France.

New York, Nov. 21, 1793.

Sir: As by your letter of the 11th instant, I am informed that the vessel therein mentioned, now repairing at the wharf in the East river, is called the Carmagnole, and that she was fitted out as a privateer, in the Delaware, I conceive it proper to transmit to you a copy of a letter which I have since received from the Secretary of War, dated the 15th instant, in answer to one from me to the President of the United States, informing him of your having with-
drawn the commissions granted to certain privates, fitted out in the ports of the United States by which you will appear to be the same of the President, that this vessel should be entirely divested of her warlike equipments, and which, from the readiness you are pleased to express to conform to the views of the Federal Government, I cannot doubt, will, on the receipt thereof, be complied with, and that, until this is effected, you will not permit her to leave the harbor. I am, &c.

GEORGE CLINTON.

Citizen Genet, Minister Plenipotentiary from the French republic, to General Clinton, Governor of the State of New York.

New York, Nov. 23, 1793, 2d year of the French republic.

Sir: I have received the letter which you did me the honor to write me, the 21st instant, as also the copy annexed to it, of a letter from the Secretary of War. The fresh requisitions which have lately been transmitted to you, respecting the schooner Columbus, formerly called the Carmagnole, are only a continuation of the system which has been observed towards me, from the very commencement of my mission, and which evidently appears to be calculated to baffle my zeal, to fill me with disgust, and to provoke me to measures dictated by a just resentment, which would accomplish the wishes of those whose policies tend only to disunite America from France, the more easily to deliver the former into the power of the British. Warned by this conjecture, which is unfortunately but too well founded, instead of proving to you as I could easily do, that the orders which have been given to you are contrary to our treaties, to the conduct of the Federal
Governments, even the British nation, whose packets, and a great number of merchant vessels, I am well informed have been permitted to arm for defence in their ports, to the bonds of friendship, which unite the two republics, and to their mutual interest, since the vessel in question is intended to serve as an advice boat, in our correspondence with the French islands, which, by our treaties, you are bound to guaranty, and in which fate your property is no less interesting than ours, I will give orders to the consul and to the French commodore of the road, to conform themselves to every thing that your wisdom may think proper to direct.

Accept, sir, &c.

GENET.

The Governor of New York to the President of the United States.

NEW YORK, Nov. 23, 1793.

SIR: I have recently received a letter from the Secretary of War, dated the 12th, and also another dated the 13th instant, in answer to mine of the 8th of September last.

I have now the honor to transmit, from the minister of France, a copy of which was enclosed in that letter, it will appear, that my object was to procure the departure of the privateers Petite Democrat and Carmagnole, agreeably to your decision, communicated to me in a letter from the Secretary of War, dated the 16th of August; but as it was mentioned to be of a nature, that forcible measures should not be resorted to, until every other effort has been exhausted, I thought it proper to submit the consideration of the measure proposed by the French minister. In the interim, the Petite Democrat departed from this harbor, without any augmentation of her military equipments, so far as my knowledge extends. The Carmagnole still remains here, and it seems to be the vessel to which my letter of the 15th refers. I now transmit a second letter, which I have written to the French minister on this subject, and his answer, and have only to request to be informed whether any farther interference on my part is expected.

As I shall in a short time set out for Albany, to attend the meeting of our Legislature, I take this opportunity of apprising you of it, in order that, if any arrangements are thought necessary which may be my department, as it is uncertain whether I shall return to this city before spring. I am, with sentiments of the highest respect, &c.

GEO. CLINTON.

Citizen Genet, Minister Plenipotentiary of the republic of France, with the United States, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, Nov. 29, 1793, 2d year of the republic of France.

SIR: I ask your pardon if my despatches precipitate themselves with too much rapidity on you; but events announce themselves in such a manner, daily, that I am scarcely able to trace and notify them to you. My preceding despatches have presented to you complaints on the workings of the new emigrants, who inundate your continent. I have essayed to unmask to you the profound and double intrigues; I have notified you of their results to the French agents, and the personal dangers which these agents are daily exposed to, surrounded by these fires. At present, I have to inform you of facts well characterized; and if I do not obtain justice, I shall at least have done my duty, and my heart and my country will have nothing to reproach me.

It is announced to me, from Baltimore, that 300 colonials are embarking, in the Chesapeake, for Jersey.* The Philadelphia counter-revolutionary press state that two vessels are about taking passengers for the Mole.†

Thus, sir, it is no longer the good offices of an ally that France has occasion to claim of the Federal Government. It is not to aid in our destruction, that I have to conjure you; it is to intreat you, not to conspire in the loss of a colony which you ought to defend, and which afflicting duty is confined to.

With whatever fury they have obstinately persisted to paint me, in libels, which I despise, as an enemy of the American People, and of their Government, and as aspiring to involve you in the war, you know, sir, with what moderation I have reminded you of the obligations which were imposed on you. In that, also, I have a clear conscience, of having been innocent; nor do I fear our enemies to bring the only ced to provisory acts, which, concealing a manifest contradiction under an apparent modesty, avow the inability to defend us, and usurp, at the same time, the right to let us be attacked.

I have in my possession the proofs of a conspiracy, which broke out in September last, for the surrender of the Mole; and the original papers enclosed prove that it was concerted in the first days of 1793, and signed then with names which were not unmasked till 7th September last. The conspirators, adroitly concealed, were urging claims on the republic at the moment they were treating with the English minister, to the end that, by this double intrigue, they might overthrow the true friends of the republic, and confine its conduct to its end their shameful plot. These partial threads, which discover themselves now, were only accessory portions of the conspiracy of a great traitor, celebrated in the last year, now crushed under remorse, and the contempt of the world. The French People, sir, have baffled all these intrigues, and, if ulterior proofs were wanting of their wisdom, of the firmness of their government, you would find them in the glorious struggle of the present campaign. Wherein, amidst great reverses, signal victories, and atrocious conspiracies, the colossus of the French People raises itself majestically, and makes their enemies tremble. These, then, are the friends under whose wing America will brave the storms that divide their brethren, and who, by suffering and endurance, will oblige us, and the world, to own the circumstance of a regime, so just, yet so equal, which must have long given the prey of a thousand artful conspiracies, there to negotiate insurrections, and the ruin of the commercial interests of my country; that it is on your territory that all this is doing; that it is in your country, in fine, that exists the centre of the intriguing desolators of our ultramarine possessions.

I request you, sir, to obtain a definitive answer, from the supreme head of the Federal Government, on these two objects, in order that I may, by the first opportunity, inform the French Government of the steps I have taken in this respect, and of their effect.

I shall, moreover, take the liberty to propose to you a measure, which I cannot adopt but with your authority, and which I shall consider as a step toward the severe measures which you may not possess. It is, to give orders to the armed vessels of the republic to stop every American vessel, destined for the island of Saint Domingos, which shall not have a passport signed by me. This shall prevent the introduction of enemies, which may escape your vigilance, and we shall guard ourselves from dangers I beg of you to make known to me the intention of the President on this proposition. Accept my respect.

GENET.

* In a vessel belonging to Mr. Zachariah Capman.
† One is the ship Delaware, Capt. James Art, fitted out by James Shozmacher. The other is the galleon Betsy & Hannah, Capt. Dominick, fitted out by Messrs. Reed and Soder.
PAPERS RELATIVE TO GREAT BRITAIN.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, November 29, 1793.

SIR: In recalling your attention to the seventh article of the definitive treaty of peace between the United States of America and His Britannic Majesty, wherein it was stipulated, that “His Britannic Majesty should, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor, within the same,” I need not observe to you, that this article still remains in a state of ineffectiveness, nor recapitulate what, on other occasions, has past on this subject. Of all this, I presume, you are fully apprized. We consider the friendly movement lately made by the court of London, in sending a minister to reside with us, as a favorable omen of its disposition to cultivate harmony and good will between the two nations, and we are perfectly persuaded, that these views will be cordially seconded by yourself, in the ministry which you are appointed to exercise between us. Permit me, then, sir, to ask, whether you are instructed to give us explanations of the intentions of your court, as to the execution of the article above quoted?

With respect to the commerce of the two countries, we have supposed that we saw, in several instances, regulations on the part of your government, which, if reciprocally adopted, would materially injure the interests of both nations.
On this subject, too, I must beg the favor of you to say, whether you are authorized to conclude, or to negotiate arrangements with us, which may fix the commerce between the two countries, on principles of reciprocal advantage? I have the honor to be, &c.

TH: JEFFERSON.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, November 30, 1791.

Sir:
I have the honor of acknowledging the receipt of your letter of yesterday. With respect to the non-execution of the seventh article of the definitive treaty of peace, between his Britannic Majesty and the United States of America, which you have recalled to my attention, it is scarcely necessary for me to remark to you, sir, that the King, my master, was induced to suspend the execution of that article, on his part, in consequence of the non-compliance, on the part of the United States, with the engagements contained in the fourth, fifth, and sixth articles of the same treaty. These two objects are, therefore, so materially connected with each other, as not to admit of separation, either in the mode of discussing them, or in any subsequent arrangements, which may result from that discussion.

In stating to you, sir, this indispensable consideration, I must, at the same time, assure you, that, in the confidence of experiencing a similar disposition in the Government of the United States, it is his Majesty's desire to remove every ground and occasion of misunderstanding which may arise between the two countries. And, in conformity to that disposition in his Majesty, I can add, that I am instructed to enter into the discussion of all such measures as may be deemed the most practicable and reasonable, for giving effect to those stipulations of the definitive treaty, the execution of which has hitherto been delayed, as well by the Government of this country as by that of Great Britain.

In answer to your question on the subject of the commerce of Great Britain, and the United States I can also inform you, sir, that the King is sincerely disposed to promote and facilitate the commercial intercourse between the two countries; and that I am authorized to communicate to this Government his Majesty's readiness to enter into a negotiation for establishing that intercourse, upon principles of reciprocal benefit.

Before I conclude this letter, I cannot omit mentioning the sense I entertain of the obliging expressions of personal regard, which you, sir, have been pleased to employ, relative to my appointment to the station which I hold in this country. I can venture to assure you, with the greatest sincerity, that it affords me the warmest satisfaction to be the medium of communicating to the United States, the actual good dispositions of my sovereign and nation towards them. And, I trust, I may be permitted to add, that it would be the highest object of my ambition, to be the humble instrument of contributing, in any manner, to fix upon a permanent basis the future system of harmony and good understanding between the two countries.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, December 6, 1791.

Sir:
As I am extremely solicitous to avoid any misapprehension of my letter of the 30th ult. I have now the honor of stating to you, in explanation of that part of it to which you have adverted in yours of yesterday, that, although (as I formerly mentioned in my first conversations with you, after my arrival in this country) I am not yet empowered to conclude any definitive arrangement, with respect to the commercial intercourse between the two countries, I still meant it to be understood, that I am fully authorized to enter into a negotiation, for that purpose, and into the discussion of such principles as may appear best calculated to promote that object, on a basis of reciprocal advantage.

I am further authorized to receive any propositions which this government may be pleased to make to me upon this subject.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, December 13, 1791.

Sir:
I have before the President of the United States, the letters of November 50th, and December 6th, with which you honored me; and in consequence thereof, and, particularly, of that part of your letter of Dec. 6, where you say that you are fully authorized to enter into a negotiation, for the purpose of arranging the commercial intercourse between the two countries, I have the honor to inform you, that I am ready to receive a communication of your full powers for that purpose, at any time you shall think proper, and to proceed immediately to their object.

I have the honor to be, &c.

TH: JEFFERSON.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, December 14, 1791.

Sir:
In answer to your letter of yesterday, I can only repeat what I have before stated, in my first conversations with you after my arrival, and, subsequently, in my letter of the sixth of this month, viz: that I have no special commission, empowering me to conclude any definitive arrangement, upon the subject of the commercial intercourse between Great Britain and the United States; but that I conceive myself fully competent to enter into a negotiation with this Government, for that purpose, in the discussion of the principles which may serve as the basis, and constitute the mutual advantage of the two countries.

This opinion of my competency is founded upon my instructions, inasmuch as they are to regulate my personal conduct, and upon the conviction that the letter of credence from his Majesty, investing me with a general plenipotentiary character, which I had the honor of presenting to the President of the United States, and his consequent recognition of me in that character, are authorities decidedly adequate to the commencement of a preliminary negotiation.

I have the honor to be, &c.

GEO. HAMMOND.
Sir: I am to acknowledge the honor of your letter of November 50th, and to express the satisfaction with which we are satisfied that you are instructed to discuss with us the measures, which reason and practicability may dictate, for giving effect to the stipulations of our treaty, yet remaining to be executed. I can assure you, on the part of the United States, that the difficulty, in this instance, I am anxious to lessen difficulties, by passing over whatever is of smaller concern, and insisting on those matters only, which either justice to individuals or public policy render indispensable; and in order to simplify our discussions, by defining precisely their objects, I have the honor to propose that we shall begin by specifying, on each side, the particular acts which each considers to have been done by the other, in contravention of the treaty. I shall set the example.

The provision and definitive treaties, in their 7th article, stipulated that his "British Majesty should, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property, of the American inhabitants, whatever may be the nature of the property carried away, or the place, or ports, by which it shall be conveyed away;" and this, in the case of privateers, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same.

But the British garrisons were not withdrawn will all convenient speed, nor have yet been withdrawn from Michigan, on Lake Michigan; Detroit, on the strait of Lakes Erie and Huron; Fort Erie, on Lake Erie; Niagara, Oswego, on Lake Ontario; Oswegatchie, on the river St. Lawrence; Point Au-fier, and Dutchman’s Point, on Lake Champlain.

2d. The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts and

3d. They have excluded the citizens of the United States from navigating, even on our side of the middle line of the rivers and lakes established as a boundary between the two nations.

By these proceedings, we have been intercepted entirely from the commerce of furs with the Indian nations to the northward, and commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians, and of superseding the necessity of that expensive warfare we have been obliged to carry on with them, during the time that these posts have been in other hands.

On withdrawing the troops from New York, 1st. A large embarkation of negroes, of the property of the inhabitants of the United States, took place before the commissioners on our part, for inspecting and superintending embarkations, had arrived there, and without any account being given of them. Near three thousand of the British commanding officer, and under the view, and against the remonstrances of our commissioners. 3d. A very great number were carried off in private vessels, if not by the express permission, yet certainly without opposition on the part of the commanding officer, who alone had the means of preventing it, and without admitting the inspection of the American commissioners; and of other species of property carried away, the commanding officer permitted no examination at all. In support of these facts, I have the honor to enclose you documents, a list of which will be subjoined, and in addition to them, I beg leave to refer to a roll signed by the joint commissioners, and delivered to your commanding officer for transmission to his court, containing a description of the negroes publicly carried away by his order as before mentioned, with a copy of which you have doubtless been furnished.

A difference of opinion too having arisen as to the river intended by the pleeptotentials to be the boundary between us and the dominions of Great Britain, St. Croix, which name, it seems, is given to two different rivers, the ascertaining of this point becomes a matter of present urgency; it has heretofore been the subject of application from us to the Government of Great Britain.

There are other smaller matters between the two nations, which remain to be adjusted, but I think it would be better to leave them out of the commission passed through the ordinary channel of our ministers, than to embarass the present important discussions with them: they can never be obstacles to friendship and harmony.

Permit me now, sir, to ask from you a specification of the particular acts, which, being considered by his Britannic Majesty as a non-compliance on our part with the engagement contained in the 4th, 5th, and 6th articles of the treaty, induced him to suspend the execution of the 4th, and render a separate discussion of them immaterial.

And accept assurances, &c.

TH: JEFFERSON.

DOCUMENTS REFERRED TO AND ENCLOSED.

Extract of a letter of May 12th, 1783, from Sir Guy Carleton to General Washington. Letter of May 24th, 1783, from the commissioners to Sir Guy Carleton. Letter of May 29th, 1783, from Mr. Mergan, for Sir Guy Carleton, to the American commissioners.


Extract of a letter from Sir Guy Carleton to General Washington, of May 12th, 1783.

"I enclose a copy of an order which I have given out to prevent the carrying away any negroes or other property of the American inhabitants. I understand from the gentlemen therein named, that they visited the fleet bound to Nova Scotia, and order what whatever came clearly under the above description; there appeared to be but little difference of opinion, except in the case of the negroes who had been declared free, previous to my arrival. As I had no right to deprive them of that liberty I found them possessed of, an accurate register was taken of every circumstance respecting them, so as to serve as a record of the name of the original proprietor of the negro, and as a rule by which to judge of his value. By this open method of conducting the business, I hoped to prevent all fraud, and whatever might be the result of an investigation, be it for future explanation or compensation. Had these negroes been denied permission to embark, they would, in spite of all means to prevent it, have found various methods of quitting this place, so that the former owner would no longer have been able to trace them, and of course could have lost every chance of compensation."

"This business, carried on in this public manner, and the orders nominating persons to superintend embarkations published in the gazette, I had no reason to think either the embarkation, or any circumstance attending it, could have been of matter of surprise to your excellency on the 6th of May. I then, however, learned with concern, that the embarkation which had already taken place, and in which a large number of negroes had been conveyed away, appeared to your excellency as a measure totally different from the letter and spirit of the treaty.

"The negroes in question, I have already said, I found free when I arrived at New York; I had therefore no right to interfere with their going to any part of the United States, without their being conveyed away, appeared to your excellency as a measure totally different from the letter and spirit of the treaty."

"I must confess, that the mere supposition, that the King’s minister could deliberately stipulate in a treaty an engagement to be guilty of a notorious breach of the public faith, towards people of any complexion, seems to denote a less friendly disposition than I could wish, and I think less friendly than we might expect. After all, I only give my own opinion. Every negro’s name is registered, the master be formerly belonged to, with such other circum-
stances as serve to denote his value, that it may be adjusted by compensation, if that was really the intention and meaning of the treaty. Restoration, where inseparable from a breach of public faith, is, as the world, I think, must allow, utterly impracticable. I know of no better method of preventing abuse, and the carrying away negroes, or other American property, than that I proposed to the minister for foreign affairs, in my letter of the 14th of April—the naming commissioners to assist those appointed by me, to inspect all embarkations; and I am pleased to find your excellency has approved of this method, and appointed Ebenezer Benson, Esq. Lieutenant Colonel Smith, and Daniel Parker, Esq. one of the contractors for supplying your army with provisions, commissioners on your part for this purpose."

I am, sir, &c.

GUY CARLETON.

From the Commissioners to Sir Guy Carleton.

May 24, 1783.

Sir: With this we do ourselves the honor to transmit your excellency the case of James Van Derburgh, Esq. an inhabitant of this State, and conformable to the instructions contained in our commission, it becomes our duty to request that your excellency will please to direct that the claim of Mr. Van Derburgh may be inquired into, and if, on such inquiry, the facts, as stated, should be proved, that the horse may then be delivered to Mr. Van Derburgh. We have the honor to be, &c.

EGEBERT BENSON,
W. S. SMITH.

The case of James Van Derburgh, Esq.

Mr. Van Derburgh had a horse stolen from him, out of his stable, in Beckman’s precinct, in Dutchess county, twenty-sixth of February, 1780; and the horse was conveyed by the persons who stole him to a then British post in West Chester county, where he has since been detained, so that Mr. Van Derburgh could not recover him again. The horse is now in the possession of Colonel James De Lancy, of this city, from whom Mr. Van Derburgh has demanded him, and who refuses to deliver him to Mr. Van Derburgh.

From Sir Guy Carleton to the Commissioners.

New York, May 29, 1783.

GENTLEMEN:
I am directed to inform you, in answer to your letter of the twenty-fourth instant, that, after the most attentive review by the commander-in-chief of his letter to the honorable R. R. Livingston, which has become the declared ground of your commission, he is not able (suspending all other considerations) to perceive, either in that letter, or in any of your instructions, any authority for your officially claiming, on behalf of Mr. Van Derburgh, a horse stolen or taken in Dutchess county, in the year 1780, and which you do not even suggest to be in danger of being presently embarked and carried away.

I have the honor to be, gentlemen, &c.

M. MORGANN.

Copy of a Remonstrance from the Commissioners to Sir Guy Carleton.

New York, June 9, 1783.

The undersigned, commissioners in behalf of the United States of America, do represent to your excellency, that, on Friday last, the Board, composed of the commissioners appointed by your excellency and of the undersigned, examined into the claim of Mr. Philip Lott to a negro named Thomas Francis, now on board a vessel called the Fair America, in this harbor, and about to be carried off to the island of Jamaica; that after examination it appeared to the Board, that Mr. Lott purchased the aforementioned negro from Mr. Elihu Spencer, of New Jersey, and that the said negro came within the British lines the second day of November last, and was enlisted by Captain Thelwall, in a corps distinguished by the name of the Jamaica Rangers. Captain Thelwall produced to the Board a certificate, from the commandant of this city, that the said negro came within the British lines under the sanction of the proclamation respecting negroes.

The undersigned, therefore, in conformity to that part of their commission whereby they are required "to attend particularly to the due execution of that part of the 7th article of the provisional treaty, where it is agreed, his Britannic Majesty shall withdraw his armies, &c. without causing any destruction, or carrying away any negroes or other property of the American inhabitants," do request of your excellency, that the said Captain Thelwall may be prohibited from carrying away the said negro, and, in conformity to that part of their commission, whereby they are required "to obtain the delivery of all negroes, and other property of the inhabitants of the United States, in the possession of the British forces, or any subjects of, or adherents to, his Britannic Majesty," do further request of your excellency, that the said negro may be delivered to Mr. Lott.

The undersigned do themselves the honor, herewith, to transmit to your excellency a copy of an act of the United States, in Congress assembled, of the twenty-sixth of May last, which has been transmitted to them by his excellency General Washington, with directions to pay strict attention to the injunctions of Congress, contained in the said act and, as the undersigned are, by their commission, enjoined to represent to the commander-in-chief of the British forces, in this city, every infraction of the articles of peace, it therefore becomes their duty to remonstrate to your excellency against your permitting any negroes, the property of the citizens of these States, to leave this city, and to insist on a discontinuance of that measure.

EGEBERT BENSON,
WILLIAM S. SMITH,
DANIEL PARKER.

Copy of a letter from the Commissioners to General Washington.

New York, June 14, 1783.

SIR: We do ourselves the honor to acknowledge the receipt of your excellency’s letter of the 5th instant, covering the act of Congress of the twenty-sixth ultimo, and we also do ourselves the honor to transmit your excellency a copy of a memorial which we presented to Sir Guy Carleton on Monday last, to which we have not, as yet, received any answer, except a verbal message by his deputy secretary, that he did not conceive an answer at this time necessary.
FOREIGN RELATIONS.

[1793]

Your excellency will recollect, that, in answering our claim for restitution in the case of Mr. Van Derburgh, Sir Guy Carleton intimated an impropriety in the claim, as the property was not suggested to be in danger of being sent away: this left room for an idea that, possibly, property about to be sent away would be restored, supposing your excellency that we should take the first fair occasion which should present itself, to remove all doubt on this point, and, with this view, we made the notification in behalf of Mr. Lott; and we conceive it is now reduced to a certainty, that all applications for the delivery of property will be fruitless, and we shall therefore desist from them.

That part of the memorial which is in the nature of a remonstrance, is in consequence of the resolution of Congress,* and your excellency's letter, which accompanied it.

The undersigned, commissioners in behalf of the United States of America, did, with intent to comply with their instructions, directing them "to assist such persons as should be appointed by your excellency in superintending and inspecting such embarkations as the evacuation of this place should require," on Friday last assist the commissioners, appointed by your excellency, in superintending and inspecting an embarkation made by direction of your excellency's letter of the 28th of July, of the present year, of a part of the negroes, bound for the province of Nova Scotia, and having on board, as near as we could estimate, about three thousand souls, among which were at least one hundred and thirty negroes, who appeared to be property of the citizens of the United States; and as this embarkation was made since we presented our memorial, and, as it were, in the face of it, we submit it to your excellency, whether it is necessary for us further to remonstrate to Sir Guy Carleton against his permitting slaves, the property of American subjects, to leave this place, and could wish to receive your excellency's directions on that subject.

We have the honor to be, &c.

EGBT BENSON,
DANIEL PARKER.

Extract of a Remonstrance from the Commissioners to Sir Guy Carleton.

NEW YORK, June 17, 1783.

The undersigned, commissioners in behalf of the United States of America, did, with intent to comply with their instructions, directing them "to assist such persons as should be appointed by your excellency in superintending and inspecting such embarkations as the evacuation of this place should require," on Friday last assist the commissioners, appointed by your excellency, in superintending and inspecting an embarkation made by direction of your excellency's letter of the 28th of July, of the present year, of a part of the negroes, bound for the province of Nova Scotia, and having on board, as near as the undersigned could estimate, at least two thousand white persons, who, a few individuals excepted, appeared to be persons in civil life, and inhabitants of the United States; and having also on board upwards of one hundred negroes, seventy-three of which appeared to be the property of American citizens.

The undersigned, therefore, in order to guard against improper inferences from their silence on this occasion, and from their conduct in future, conceive it incumbent on them to represent to your excellency, that, notwithstanding an act of Congress, * and your excellency's letter of the 28th ult., of the present year, with the desire we have entertained of obeying the wishes of the charters of this city, we shall, consider the permission from your excellency to any negroes, belonging to the citizens of these States, to leave this place, as an infraction of the treaty of peace, agreeable to their representation of the ninth instant; and that they do not, neither can they, consider the said embarkation, or any other of a similar nature, as an embarkation which the evacuation of this place requires.

From the Commissioners to his Excellency Washington.

NEW YORK, Jan. 18, 1784.

Sir:

The British troops being wholly withdrawn from this place, it only remains, to the closing the business under your excellency's commission to us, of the eighth of May ult., that we should report our proceedings.

We presume it will be needless to recapitulate, our former communications, and therefore take the liberty of referring to your letters to our excellency of the thirtieth of May, fourteen and eighteenth of June last, with their respective answers.

As Sir Guy Carleton did not, except in one or two instances, answer our representations, we forebore to further representation. We interpreted his silence into a determination that all future application from us should remain equally unnoticed, and therefore presumed, that they would be not only fruitless, but also derogatory to the dignity of the British crown, in whose behalf we were commissioned.

From our first arrival in this city hitherto, we have, whenever we were formally requested by the British commissioners, assisted them in superintending embarkations. These embarkations were always made in vessels in the pay and service of the crown of Great Britain, and the superintendence consisted in visiting the ships after they were laden and ready for sailing, and taking an account of the negroes, which the captain informed us were on board, and which were produced to us. The captains were then asked, whether they had any other American property on board. They all answered in the negative, and this was received as evidence, without further scrutiny or examination. A descriptive list of negroes your excellency will receive with this. This list, as to the names of the negroes, and places of residence of their masters, is formed from the declaration of the negroes themselves, made to the British commissioners in our presence.

We conceive it requisite to inform your excellency, that Sir Guy Carleton retained and exercised the authority of entering and clearing out merchant vessels, at this port, which were never submitted to any inspection, and consequently, it is impossible for us to determine, for a certainty, the number of negroes, or the amount of other property belonging to the citizens of the United States, which were carried away in those vessels, neither do we know that any measures were used by the British Government to ascertain these points. Sir Guy Carleton alleged to distinguish between the cases of such negroes as came within the British lines, in consequence of the promises of freedom and indemnity held out in the proclamations of his predecessors, and such as came in, either previous to the proclamations, or subsequent to the cessation of hostilities. Negroes of the first description he supposed not included in the treaty, as the public faith had, prior to the treaty, been pledged to them for their security against the claims of their former masters. Admitting this distinction to be just, we would mention a circumstance to your excellency, which we suppose no otherwise material, than to show that Sir Guy Carleton, or at least that his subordinate officers, did not intend to observe the treaty, even agreeable to their own limited construction of it.

Whenever the negroes, at an inspection of an embarkation, were examined, they always, except a very few instances, produced a printed certificate from the commandant of the city, countersigned by his secretary, purporting that they came within the British lines in consequence of the proclamations issued by Sir Henry Clinton. We have no right to suppose that the officers of the commandant or his secretary could, in every case, have sufficient proof of the time of the negroes coming in, and therefore concluded there must be an abuse. In this we were not deceived: for it appears, that certificates, with blanks, were given by the commandant to individuals, to be filled up as their convenience might require. One of these blank certificates have fallen into our hands, and we transmit it to your excellency.

Sir Guy Carleton, during the whole of the time from our arrival in this city until his departure on the 25th of November, exercised the same kind of jurisdiction in this city, and on Long Island, and Staten Island, and as fully as his predecessors in command had, at any period of the war. And in the exercise of this jurisdiction, he regulated the commerce of this port, continued to lease and receive the rents of a number of houses in this city, which had been previously taken, and the rents appropriated by the British Government here as belonging to persons residing without their lines, and by them, therefore, declared as being in rebellion; he refused, except in a...
THE BLANK CERTIFICATE:

New York, April 32, 1783.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

SIR:

I have the honor of acknowledging the receipt of your letter of the 15th current, and of expressing my perfect approbation of, and concurrence in, the mode you have suggested of discussing the several particulars relative to the non-execution of the definitive treaty of peace.

In conformity to your example, I am now preparing an abstract of the circumstances that appear to me most material on the 5th, United States, of the subject of the present treaty. This abstract I intend to present to you, sir, with as little delay as the extensive nature of the subject under consideration will admit.

I have the honor to be, &c.

Geo. Hammond.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

Philadelphia, March 5, 1792.

SIR:

In conformity to the mode which you have pursued and suggested, I have now the honor of submitting to you an abstract of such particular acts of the United States as appear to me infractions, on their part, of the definitive treaty of peace, concluded between the King, my master, and the United States. The necessity of collecting from distant parts of this continent the requisite materials, of combining and arranging them, has occasioned a much longer delay in presenting to you this abstract than I at first apprehended. I trust, however, that it will be found so comprehensive as to include every cause of complaint, resulting from the treaty, and so fully substantiated as to require no subsequent elucidations to prove and to confirm the facts which I shall specify.

Many of the legislative acts and judicial determinations, which I shall adduce as violations of the treaty, having been common to a majority of the States, I have thought it expedient, in order to avoid repetitions, not to discuss the tendency of their extent of their operation in the several States distinctly and separately, but to reduce the infractions under general heads, and to throw into the form of an appendix references to justify and explain the documents by which they are authenticated.

Although I have employed every exertion in my power to acquire the most accurate and general information upon the respective points comprehended in this abstract, it is still possible, that many materials may have been out of my reach, or that, in the extensive collection of laws and of other documents which I have been obliged to peruse and digest, many objects may have escaped my notice. It is possible, that acts of the States, of which I have complained, as militating against the treaty of peace, may have been repealed or modified by succeeding Legislatures; and that those of the State courts, which I have alleged as violations of the treaty, may have been rectified by subsequent determinations. I am not conscious of any errors or misrepresentations of this nature; but if any such should exist in the abstract, I desire you, sir, to be persuaded, that they have been totally unintentional on my part, and that I shall be extremely solicitous to have them explained and corrected.

Immediately after the ratification of the definitive treaty of peace, the Congress of the United States, by a proclamation, announcing that event, and by a resolve, dated 14th Jan. 1784, required and enjoined all bodies of magistracy, legislative, executive, and judiciary, to carry into effect the definitive articles, and every clause and sentence thereof, sincerely, strictly, and completely; and earnestly recommended to the Legislatures of the respective States to provide for the restitution of all estates, rights, and properties, confiscated, belonging to real British subjects, of every kind, estates, rights, and properties, of persons resident in districts in possession of his Majesty's arms, between the 50th Nov. 1783, and 14th Jan. 1784, who had not borne arms against the United States; and that persons of any other description should have liberty to go to any part of the United States, to remain twelve months, uncompressed in their endeavors to obtain the restitution of their estates, rights, and properties, confiscated. It was also recommended to the several States to reconsider and revise all laws regarding the premises, so as to render them perfectly consistent with justice and that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and it was farther recommended, that the estates, rights, and properties, of such last mentioned persons should be restored to them, they refunding the bona fide price, paid on purchasing any of the said lands, rights, and properties, since the confiscation.

In the course of the little attention which I have been manifested to this proclamation and recommendation, and of the answer given, (30th Feb. 1786) by the Marquis of Carmarthen, to the requisitions of Mr. Adams, respecting the persons and territories, ceded by the treaty of peace to the United States, the Congress transmitted, in April, 1787, a circular letter to the Government of the respective States, recommending it to the different Legislatures to repeal such acts, or parts of acts, as were repugnant to the treaty of peace between his Britannic Majesty and the United States, or any article thereof, and that the courts of law and equity should be directed and required, in all cases and questions cognizable by them respectively, and arising from, or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same, any thing in the said acts or parts of acts to the contrary thereof in any wise notwithstanding.

In this circular letter, after enforcing in the most energetic manner the regard due to solemn national compacts, and the improbity of the individual States attempting to contravene, or even discuss stipulations, which had been
sanctioned by their General Government, the Congress further declare, "they have deliberately and dispassionately examined and considered the several facts and matters urged by Great Britain as infractions of the treaty of peace, on the part of America; and regret, that, in some of the States, too little attention appears to have been paid to the provisions of the same treaty, by the State legislatures.

It is observable that Congress, neither in this proclamation nor recommendation, take any notice of the fourth article of the treaty of peace, by which it was agreed that creditors on either side should meet with no lawful impediment to the full and prompt recovery of their just demands. Nor does Congress use either the proclamation or recommendation extend to the stipulations in the close of the fifth article, whereby it was agreed that all persons who have any interests in confiscated lands, either by debts, marriage settlements, or otherwise, should meet with no lawful impediment in the prosecution of their just rights.

As to the second statement, it may be observed that Congress entertained, that it was totally unnecessary to specify them, as they were stipulations positive and obligatory upon the individual States, and that no local regulation was competent either to confirm or invalidate them. It does not, however, appear that this proclamation and recommendation has any general and extensive effect upon the Legislatures of the respective States, which have not been propounded in the manner of the Federal Constitution, even the fourth article of the said Constitution, which makes the repeal of existing laws, repugnant to the treaty of peace, or of a declaratory law, establishing the treaty of peace as the supreme law of the land, seems to have been confined to a small portion of the several States.

In many of the States, the recovery of the property, matters contained in the treaty of peace, is now expedient to specify in detail the particular acts which Great Britain considers as infractions of the treaty on the part of the United States; and it will tend to simplify the discussion, to make the following arrangement:

I. To advert to the Congress which has enforced or omitted.

II. To advert to the conduct observed by the individual States generally, in respect to the treaty of peace—

In not repealing laws that existed antecedently to the pacification.

In not approving acts of Congress in contravention of the treaty;

And in the decisions of the State courts upon questions affecting the rights of British subjects.

As to the first of these points, it cannot be presumed that the commissioners, who negotiated the treaty of peace, would engage in behalf of Congress to make recommendations to the Legislatures of the respective States, which they knew would be superfluous, so long as the effectual, and only stipulation, which they had not the power to enforce, and yet the laws were not repealed which Congress recommended to be repealed, nor were the stipulations enforced which Congress was absolutely pledged to fulfil. It does not appear that any of the State Legislatures repealed their confiscation laws, or provided for the restitution of all estates, rights, and properties, of real British subjects, which were in possession of the United States, at the time the Congress had in view the right of the people enslaved in the United States, not borne arms against the United States; that persons of other descriptions were at liberty to remain twelve months in the United States, un molested in their endeavors to obtain the restoration of their confiscated estates, rights, and properties; that the several States which enacted confiscations, were in many of the States repealed, or revised; nor, finally, have British creditors been sustainers of contented or supported, either by the respective Legislatures, or by the State courts, in their endeavors to recover the full value of debts, contracted antecedently to the treaty of peace. On the contrary, in some of the States, the confiscation laws have been acted upon since the peace, and recent legislative regulations have been enacted, which are contrived to prejudice the enforcement of any claim against the crown, in endeavoring to obtain the restitution of their forfeited estates and property, upon refunding the price to the purchasers, have been treated with indignity, menaced, exposed to personal danger, and in some instances imposed, if the pretended claim be not given up, a legal penalty, for an alleged right of property acquired in the late war. In many of the States, laws have actually passed, delaying the legal investigation of just claims, and abridging the demands of British merchants. Local regulations, in respect to the tender of property, in discharge of just debts, have prevailed to such an extent, as to amount to a prohibition of suits. Paper money, emitted by particular States, for the payment of claims domiciled, or of legal tender and payment for all debts, for the recovery of which actions were commenced at the time when money of that description was greatly depreciated. Creditors, too, in some of the States, were exposed to the necessity of taking real or personal property, at a valuation made by a partial, prejudiced, or interested neighborhood, while, in other States, when the question of alienage has been under discussion, the courts of law and equity have determined, that a debt of Great Britain, residing within the King's dominions, and at一经 the declaration of independence, was not competent to acquire or hold real property within the United States. In many of the State courts, decisions have taken place, reducing the amount of British debts, in various ways, and sources of reduction, and in some cases, to an extinction; and the administration of suits instituted for the recovery of British debts. These facts will be more fully illustrated under the next head of arrangement.

II. To advert to the conduct observed by the individual States generally, in respect to the treaty of peace—

In not repealing laws that existed antecedently to the pacification.

During the war, the respective Legislatures of the United States passed laws to confiscate and sell, to sequester, take possession of, and lease, the estates of the loyalists, and to apply the proceeds thereof towards the redemption of certificates and bills of credit, or orders of the United States; but, in doing so, they were not guided by the principles of the State treaties, or loan offices, paper money, then exceedingly depreciated, in discharge of their debts. Under some of the laws, many individuals were attainted by name, others were banished for ever from the country, and, if found within the State, declared felons, without benefit of clergy. In some States, the estates and rights of married women, of widows, and of minors, and of persons who had died within the territories possessed by the British arms, were forfeited. Authority also was given to the Executive department, to require persons who adhered to the crown to surrender themselves, by a given day, and to abide their trials for high treason in failure of which, the parties so required were attainted, were subject to, and suffered, all the pain, penalties, and forfeitures, awarded against persons attainted of high treason. In many of the States, the right of succession, if the persons charged in the indictment, whether in full life, or deceased, were respectively declared guilty of the offenses charged, and their estates were forfeited, whether in possession, reversion, or remainder. In some of the States, confiscaded property was applied to the purposes of public buildings and improvements in others, was appropriated as rewards to individuals for military services rendered during the war; and, in one instance, property mortgaged to a British creditor was liberated from the incumbrance by a special act of the Legislature, as a provision for the representatives of the mortgager, who had fallen in battle.

In the several States, the laws that existed antecedently to the pacification, would have been in compliance with the terms of the treaty of peace. But the restitution of the estates, rights, and properties, of real British subjects, or of persons resident in districts in possession of his majesty's arms, and who had not borne arms against the United States, was not provided for by any local law, or general regulation, nor did any such law or regulation prevail, to support persons in distress, or to aid them in the prosecution of their rights and properties, as had been confiscated. Some of the State Legislatures, it is true, soon after the peace, passed acts, in conformity to the treaty, to provide against further confiscations, and to deliver up, under certain conditions and assessments, those personal estates, and real and personal descriptions of property, which had been disposed of by process of law. Other States have, in certain instances, upon application of the children of friends of attainted persons, passed laws to restore the ownership of forfeited estates, upon the payment of a given price in depreciated certificates, and, in others, without exacting any consideration for the property restored. Acts of pardon and oblivion are also found to be contained in the statute book of some of the States, but fettered with such qualifications, exceptions, and restraints, as to exclude effectually from the hope of recovery or restitution, numbers who were expressly within the meaning and intention of the treaty.
4. In enacting laws subsequent to the peace in contravention of the treaty.

5. In stating the particular acts that relate to this head of arrangement, it will be proper to place them in three classes:

1. Such as relate to the estates of the loyalists.

2. Such as respect their persons; and lastly,

3. Such as obstruct the recovery of debts due to the subjects of the crown.

1. In the first class, not only at the time, but after the conclusion of the definitive treaty, it would have been perfectly consistent with justice, and that spirit of conciliation which ought to have prevailed upon the return of the blessings of peace, to have suspended the sales of property not then disposed of, to have repealed the laws of confiscation, under certain limitations. But, whether this plan was proposed, of which we have no knowledge, the different State Governments might exact a rigid adherence to forfeitures, incurred by persons who had actually borne arms during the war, yet such a suspension of sales, repeal of laws, and restitution of property, might have been given in the exercise of a wide discretion, and to be exercised in conformity with the treaty, and to persons who had not borne arms against the United States, but who, from local residence, were liable to the imputation of offence, and to the operation of severe penal laws.

2. But, immediately after the preliminary articles were signed, and for many years subsequent to the peace, acts passed by the several States, in conformity to the expressions of the great principles of justice, and with the dictates of human nature, in order to secure to individuals who had purchased forfeited lands, tenements, goods, and chattels; to sell confiscated property that remained unsold; to resell such as had been already sold, and to which no title had been given; and to release from their bargains persons who had misconceived the terms of their sale, those acts (Great Britain, and especially Maryland) have even been held out by legislative authority to persons who, within limited periods, should make discovery of British property, to compound for the same by granting certain portions of such property as they might have been by the United States, were debarred from the means of personal application, and of endeavoring to obtain the restitution of such of their estates, rights, and properties, as had been confiscated. As to those who, under the appellation of British subjects, had incurred no other imputation of criminality than that of adherence to their sovereign, and as others who, though resident in districts in possession of the British Majesties' forces, had not been acting on behalf of the British Majesties in the treaty for the restitution of the estates and properties of persons of both these descriptions, certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship. This virtual acquiescence was recognized in favor of those who, under the fear of scarcity of the means of subsistence, and by the feelings of humanity most forcibly recommended, and which the respective States were fully competent to establish and enforce, when applied to estates and property, either unsold at the period of the peace, or for which (owing to the sales and purchases of the British purchasers) there remained no alternative.

2. In respect to the persons who, under the treaty of peace, were to have free liberty to come to any part of the United States. The permission in their favor was in terms the most general and unqualified; and, through the period in which persons of one description were to remain in this country was restricted, none, however exceptional their policy, or conduct might have been considered by the United States, were debarred from the means of personal application, and of endeavoring to obtain the restitution of such of their estates, rights, and properties, as had been confiscated. As to those who, under the appellation of British subjects, had incurred no other imputation of criminality than that of adherence to their sovereign, and as others who, though resident in districts in possession of the British Majesties' forces, had not been acting on behalf of the British Majesties in the treaty for the restitution of the estates and properties of persons of both these descriptions, certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship. This virtual acquiescence was recognized in favor of those who, under the fear of scarcity of the means of subsistence, and by the feelings of humanity most forcibly recommended, and which the respective States were fully competent to establish and enforce, when applied to estates and property, either unsold at the period of the peace, or for which (owing to the sales and purchases of the British purchasers) there remained no alternative.

3. In respect to the persons who, under the treaty of peace, were to have free liberty to come to any part of the United States. The permission in their favor was in terms the most general and unqualified; and, through the period in which persons of one description were to remain in this country was restricted, none, however exceptional their policy, or conduct might have been considered by the United States, were debarred from the means of personal application, and of endeavoring to obtain the restitution of such of their estates, rights, and properties, as had been confiscated. As to those who, under the appellation of British subjects, had incurred no other imputation of criminality than that of adherence to their sovereign, and as others who, though resident in districts in possession of the British Majesties' forces, had not been acting on behalf of the British Majesties in the treaty for the restitution of the estates and properties of persons of both these descriptions, certainly comprehended a virtual acquiescence in their right to reside where their property was situated, and to be restored to the privileges of citizenship. This virtual acquiescence was recognized in favor of those who, under the fear of scarcity of the means of subsistence, and by the feelings of humanity most forcibly recommended, and which the respective States were fully competent to establish and enforce, when applied to estates and property, either unsold at the period of the peace, or for which (owing to the sales and purchases of the British purchasers) there remained no alternative.
ful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted for a stipulation as precise and definite as to the measure and mode of recovery and payment, as it was general and unqualified in respect to the debt to be recovered. "The full value in sterling money" could only mean the value, to be ascertained and as paid, in the currency of the United States, then and there used and current in the district or State, as the case might be, in exchange for sterling money, according to the rate of exchange prevailing between the two countries. "All bona fide debts heretofore contracted for" comprehended every species of debt due to the creditors on either side, contracted antecedent to, and which remained unpaid after, the date of the treaty of peace.

Hitherto Great Britain has anxiously, though in vain, expected, from the United States, the fulfilment of this article, in behalf of her suffering merchants; but prohibitions of suits, and personal disabilities, created during the war, to commence actions, remained unrepealed, and have been protracted to periods subsequent to the peace. Acts, too, have been passed, in the face of the treaty, which are inconsistent with it. Courts have been authorized by law to direct and admit the reduction of interest; and the absolute reduction of interest, for a limited number of years, has been provided for. Laws which existed before the war, compelling creditors to take the debtor's land, at an appraised value, remained unrepealed, notwithstanding the change of circumstances, until the close of the war. The rights of alien debtors have been carried to so rigorous an extent, applied to British subjects, as to inspire doubts of their competency to acquire or hold real property within the United States. New tender and valuation laws have been passed subsequent to the peace, and, though the objects of these enactments were not partial appraisement, resulting from prescribed modes of valuation, real and personal property which bore no proportion to the value of the original debt, and for which they could command no price whatsoever, or of having the persons of their debtors protected from arrests, or discharged from executions. British subjects and their agents were compellable, in order to secure the full value of their debts to the creditors, to sufficient ground to the State as far as the amount of the debts to be collected, before any debtor could be compelled to make payment. Paper money, emitted and made current, for a number of years, was constituted legal tender for payment and discharge of any debt, British, or otherwise, already accrued, whether for sterling money, silver money, or any other species of gold or silver. Installment laws have passed, restricting, for a time, the commencement of suits, and then limiting the modes of recovering all debts due previous to the month of February, 1782, and of obligations taken since that time for debts previously incurred, to three annual payments, respectively, over a period of seven years. These restrictions and limitations were afterwards extended to all debts contracted previous to the 1st of January, 1787; and when these limitations, in which the British merchants most patiently and benevolently acquiesced, were about to expire, a new installment law was passed, prohibiting the recovery of payments five years longer, and restraining the recovery even of bonds or notes, payable according to the installments prescribed by the former acts, to the manner directed in the last installment law.

It is worthy of observation, that this latter installment law passed subsequent to the formation of the Federal Constitution, and that all the relations of the United States, with other foreign nations, should be the supreme law of the land, that the judges in each State should be bound thereby, and every senator and representative of the United States, members of the several State Legislatures, and all the executive and judicial officers, both of the United States and of the several States, to be bound by oath or affirmation to support that constitution.

3. The last point of discussion relates to the decisions of State courts upon questions affecting the rights of British subjects; in respect to which, the dispensations of law have, for the most part, been as unpropitious to the subject as to the earlier legislative acts of the different assemblies throughout this continent: It must, however, be allowed that in one State, (Massachusetts) a number of the greater and most valuable claims, that all British subjects had against the United States, should be the supreme law of the land, that the judges in each State should be bound thereby, and every senator and representative of the United States, members of the several State Legislatures, and all the executive and judicial officers, both of the United States and of the several States, to be bound by oath or affirmation to support that constitution.

1st. In the prosecution of claims, instituted by British merchants for debts contracted previous to the war, proof of the actual contract and the value of the debt, were necessary; but the evidence of any such contract was not admissible into the courts of the United States. In the first of the decisions the court held, that if the specific contract between the debtor and creditor, has been uniformly established, the full value of the debt to be recovered, ought consequently to have been nothing short of the debt and interest according to the usage of the trade or to the terms of the contract; but under the direction of many of the courts, jurors have invariably abated interest on British debts for seven years and a half. Even the solemnity of obligations has not been sufficient force to secure the creditor from this deduction; it having been determined that obligations, which, on the face of the contract itself, bore interest, were upon no better footing in this respect than book-debts, in which the interest was not specifically reserved, the testimony is to the effect that when suits were brought between the British and American trader by abating the interest for the period the war continued; and that, as the debtor was deprived of the means of making payment, unless by a violation of a positive restrictive law, prohibiting remittances as a means of strengthening the enemy, and as it would have been criminal to have remitted during the war, no man should be surcharged for his obedience to the law which deprived him of the lands of the debtor, the court restrained him from remitting the principal. The treaty of peace, too, has been considered as having no effect upon this question, it having been held that the treaty only secured the mutual recovery of debts, when the amount was ascertained by means of the laws of the respective States, as being set by the Senate, by the treaty.

In one State particularly, in which the claim of interest has been generally involved in the recovery of British debts, that had been paid, in accordance with the acts, into the State treasury, the superior court of the State determined, that the construction of the treaty and the acts of the State entitled the creditor to recover the principal of his debt and all interest thereon, which had not arisen during the war, and that, by the intervention of war, the means of recovering British debts were suspended, the claim of interest, during the suspension, was inadmissible.

In one of the States an act admitted that, notwithstanding the payments into the treasury, the treaty of peace preserved the right of action; but interest was recoverable only from the date of the definitive treaty.

In one of the Southern States (Virginia) where debts to a very considerable amount are depending, the suits that have been instituted for their recovery have been referred to the district courts of the State, and some of the causes, having been heard, the district courts have rendered final judgements contrary to all the claims of the creditors, and, according to the practice of the courts of the State, have been paid over to the general court, wherein they still remain undecided, and others, it is said, have been actually dismissed.

The delay of justice, operating equally as a denial of justice, would have been effectually reformed in that State by the war laws, giving summary relief in determining disputes where the parties of those countries, which had acknowledged the jurisdiction of the United States, were parties against the citizens of that State; but, unfortunately for the British creditors, upon the conclusion of peace, it was soon found that this summary relief extended to British debts in common with the claims of other foreigners, whose sovereigns had recognized the independence of the United States, and that some of the judges favored the idea, and so much of the act as points out and authorizes the mode of proceeding in suits wherein foreigners were parties, was repealed; and, at this moment, the means of recovery depend solely upon limitations and conditions created
by local regulations, which are in direct opposition to the recommendatory resolves of Congress, and palpable infractions of the fourth article of the treaty of peace.

The few attempts to recover British debts in the county courts of that State, have universally failed; and these are the only attempts, because of the consideration before mentioned. A hardship, under which the British creditors labor, is, that they are answerable and proceed against by course of law for every claim brought against them; when at this moment it is not a settled point, whether even the Federal courts, in that district, will entertain in their behalf, a suit against a British, that jurisdiction is competent, the courts of the United States having, in the absence of any argument, having adjourned the point. In the absence of any argument, having adjourned the point.

In addition to these observations, it is necessary to mention, that, in some others of the southern States, there does not exist a single instance of the recovery of a British debt in their courts, though so many years have expired since the termination of the war.

2d. The proceedings of the State courts upon points, which affected the persons of British subjects, have been equally repugnant to the terms of the treaty. In one State, suits have been instituted under the acts for granting a more effectual relief in cases of certain trespasses, for the recovery of damages resulting from the occupancy of estates in the United States, under the terms, but this subject, as well as many others, has been totally neglected, and, perhaps, from the want of a competent authority and resources to produce the requisite permission, and as long as the same remained in force; that, by the treaty of peace, the claim which the subjects or citizens of either of the contracting parties had to recover or retribution for injuries done to each other, in consequence of, or relating to the war, were mutually relinquished and released; that the parties, against whom the suits were instituted, were subjects of the crown, residing in a district occupied by the royal army, where the estate in question was situate, under the protection of the king, then at war with this country. These pleas were overruled by the court, as insufficient; and damages have been awarded against the parties for the time the estates were so occupied by them, to the great injury of numbers who had, during the war, actually put, and is sufficient rent for the property thereby detained until the action was begun under the authority of the courts.

In another State, an indictment has lately been preferred against a subject of the crown, for the murder of a citizen of the United States, found under suspicious circumstances, within the royal lines. Though the grand jury did not find any evidence of murder to have been committed, yet the court, peremptorily refusing to inquire to a future time, to give the prosecutor an opportunity of producing farther testimony, in which the court acquiesced, and refused to commit the prisoner, observing, when the counsel moved for his discharge, that the commission for holding the court of oyer and terminer did not expire for some months, and the court would again sit before that time, and that the prisoner was not likely to be secure from his enemies; and, as his two sureties were £500 each; but as his friends doubted the disposition of the court to determine according to the terms of treaty, they thought it more prudent to suffer the forfeiture of the recognizances, than to put his life again into jeopardy.

In that State, also, actions of trespass have been instituted, for taking and driving off cattle during the war, converting indelictic offences into civil suits, with a view of elucidating the stipulations of the treaty; but with what success has not been ascertained.

This last head of arrangement, it is only necessary farther to observe, that the prosecutions, in the cases specified, are all direct and positive violations of the 6th article of the treaty of peace.

From the foregoing detail, it is evident, that the recommendations of Congress to the respective State Legislatures have, in some of the States, been totally disregarded, and in none have produced that complete and extensive effect, which was expected by the treaty, or even the most generous of the States, the suitor for justice in the States. Congress never recogized that, since the peace, many of the States have passed laws in direct contravention of the definitive treaty, and essentially injurious to the estates, rights, and properties of British subjects, in whose favor precise distinctions were clearly declared, and, in which the States have interposed, in part, or in whole, in the execution of the treaty; especially, and most importantly, in those parts of the States, they still exist in full force and validity; and that, in some of the State courts, actions have been commenced and prosecuted with success, against individuals, for the part they had taken in the war, whose actions were, in their origin, positive contraventions of the 6th article of the treaty, and, in their consequences, materially detrimental to the rights and property of many subjects of the crown of Great Britain. In consequence of the violation of the treaty in these particulars, great numbers of his Majesty's subjects have been reduced to a state of penury and distress, and the nation of Great Britain has been involved in the payment to them of no less a sum than four millions sterling, as a partial compensation for the losses they had sustained.

It is further manifest, that the stipulation of the fourth article of the treaty, which provides for the recovery of debts due to the subjects of the two countries respectively, has been not only evaded in many of the States, but that many of the debts have been in a manner marked and extinguished, in accordance with that article of the treaty, the subjects of the treaty are entitled, Congress never recogized that, since the peace, many of the States have passed laws in direct contravention of the definitive treaty, and essentially injurious to the estates, rights, and properties of British subjects, in whose favor precise distinctions were clearly declared, and, in which the States have interposed, in part, or in whole, in the execution of the treaty; especially, and most importantly, in those parts of the States, they still exist in full force and validity; and that, in some of the State courts, actions have been commenced and prosecuted with success, against individuals, for the part they had taken in the war, whose actions were, in their origin, positive contraventions of the 6th article of the treaty, and, in their consequences, materially detrimental to the rights and property of many subjects of the crown of Great Britain. In consequence of the violation of the treaty in these particulars, great numbers of his Majesty's subjects have been reduced to a state of penury and distress, and the nation of Great Britain has been involved in the payment to them of no less a sum than four millions sterling, as a partial compensation for the losses they had sustained.

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arrangements upon the subject, as, after due examination, may now be found to be of mutual convenience, and not inconsistent with the just claims and rights of his subjects.

I have the honor to be, &c. GEO. HAMMOND.

APPENDIX A.

2. Act of Massachusetts Bay, to prevent the return of certain persons therein named, and others who had left that state, or either of the United States, and joined the enemies thereof. Passed in 1778.
3. Act of Massachusetts Bay, in the late session, to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now State of Massachusetts Bay. Passed in 1779.
6. Act of New York, for the forfeiture and sales of the estates of persons who have adhered to the enemies of the State. Passed 23d October, 1779.

7. Act of New York, for the immediate sale of part of the confiscated estates. Passed March 10, 1780.
8. Act of New York, approving the act of Congress relative to the finances of the United States, and making provision for redeeming that State's proportion of bills of credit to be emitted. Passed 15 June, 1780.
9. Act of New York, to procure a sum in specie, for the purpose of redeeming a portion of the bills emitted, &c. Passed 7 October, 1780.
10. Act of New Jersey, to punish traitors and disaffected persons. Passed 4 October, 1776.
11. Act of New Jersey, for taking charge of and leasing the real estates, and for forfeiting personal estates of certain fugitives and offenders. Passed April 18, 1778.
12. Act of New Jersey, for forfeiting to, and vesting in the State, the real estates of certain fugitives and offenders. Passed 11 December, 1778.
13. Act of New Jersey, supplemental to the act (No. 10) to punish traitors and disaffected persons. Passed October 5, 1780.
14. Act of Pennsylvania, for the attainder of divers traitors, and for vesting their estates in the Commonwealth, if they render not themselves by a certain day. 6 March, 1778.
15. Act of Delaware, declaring estates of certain persons forfeited, and themselves incapable of being elected to any office. Passed 5 February, 1778.
16. Act of Maryland, for calling out of circulation the quota of the State, of the bills of credit issued by Congress. October, 1780.

By the 11th section of this act, persons indebted to creditors, who had not become subjects and residents of the State, were, on a renewal, constantly residing within the State, were, under certain regulations, authorized to pay those debts into the treasury in certain species of depreciated paper money, and the treasurer's receipt was declared good evidence, in law and equity, of the payment of such debt.

17. Act of Maryland, to seize, confiscate, and appropriate all British property within the State. Passed October, 1780.
18. Act of Maryland, to appoint commissioners to preserve confiscated British property. Passed October, 1780.
19. Act of Maryland, to procure a loan, and for the sale of escheat lands and the confiscated British property, therein mentioned. Passed October, 1780.
20. Act of Virginia, for sequestering British property, enabling those indebted to British subjects to pay off such debts, &c. Passed October, 1777.
22. Act of Virginia, to amend the act concerning escheats, &c. Passed May, 1779.
23. Act of Virginia, to amend the act concerning escheats and forfeitures. Passed October, 1779.
25. Act of Virginia, for providing more effectual funds for redemption of certificates. Passed May, 1783.
26. Act of North Carolina, for confiscating the property of all such persons as are inimical to the United States, &c. Passed November, 1777.
27. Act of North Carolina, to carry into effect the last mentioned act. Passed January, 1779.
28. Act of South Carolina, for disposing of certain estates and banishing certain persons therein mentioned. Passed 26 February, 1782.
29. Act of South Carolina, to amend the last mentioned act. Passed 16 March, 1783.
30. Act of Georgia, for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned. Passed May 4, 1783.
31. Act of South Carolina, to vest one hundred and eighty acres of land, late property of James Holmes, in certain persons in trust for the benefit of a public school. Passed 15 August, 1783.
33. Act of New Jersey, to appropriate a certain forfeited estate. Passed 23 December, 1783.
34. Act of Maryland, for the benefit of the children of Major Andrew Leitch. Passed 13th June, 1782.

APPENDIX B.

No. 1. Act of Massachusetts, in addition to an act made and passed the present year, (1784) entitled, An act for repealing two laws of this state. Passed November 10, 1784—see appendix C, No. 2.
2. Act of North Carolina, to secure and quiet in their possessions, all such as have, or may purchase, lands, goods, &c. Passed December 29, 1785.
3. Act of North Carolina, directing the sale of confiscated property. Passed October session, 1784.
4. Act of Georgia, to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates. Passed February 22, 1785.
5. Ordinance of South Carolina, for amending and explaining the confiscation act. Passed March 26, 1784.
6. Act of South Carolina, to amend the confiscation act, and for other purposes therein mentioned. Passed March 22, 1786.

7. Act of Georgia, releasing certain persons from their bargains, &c. Passed July 29, 1785.
8. Act of Georgia, to compel the settlement of public accounts, for inflicting penalties, and for vesting auditor with certain powers. Passed February 10, 1787.
10. Act of Maryland, to empower Governor and council to compound with the discoverers of British property, and for other purposes. Passed November session, 1788.
APPENDIX C.

See Acts of Confiscation, Banishment, &c. referred to in Appendix A, No. 1 to 30 inclusive.

No. 1. Act of North Carolina, of pardon and oblivion. Passed April session, 1788.


4. Act of New York, to preserve the freedom and independence of the State, and for other purposes therein mentioned. Passed May 19, 1784.

5. Act of Virginia, prohibiting the migration of certain persons to that commonwealth, and for other purposes therein mentioned. Passed October session, 1783.

6. Act of Virginia, to explain, amend, and reduce into one act, the several acts for the admission of emigrants to the rights of citizenship, and prohibiting the migration of certain persons to that commonwealth. Passed October session, 1786.

7. Act of North Carolina, to describe and ascertain such persons as owed allegiance to the State, and to impose certain disqualifications on certain persons therein named. Passed October session, 1784.


9. Act of South Carolina, restoring to certain persons their estates, and for permitting the said persons to return, and for other purposes. March 26, 1784.

10. See appendix A, No. 28. By act of February 26, 1782, penalties of confiscation and banishment were inflicted on certain persons described in lists 1, 2, 3, 4, 5 and though it appears by the foregoing act, that the persons named in lists No. 1, 2, 3, were restored to their estates under certain assessments and limitations, and permitted to return and reside in the State under certain disqualifications, the penalties of the act February 26, 1782, still prevail against those persons mentioned in the lists No. 4 and 5, who are liable to suffer death. If they return to the State after being sent out of it.

11. Act of Rhode Island, to send out of the State, N. Spink and John Underwood, who had formerly joined the enemy, and were returned into Rhode Island. Passed May 27, 1783.

12. Act of Rhode Island, to send William Young, theretofore banished, out of the State, and forbidden to return at his peril. Passed June 8, 1785.

13. Act of Rhode Island, allowing William Brenton, late an absentee, to visit his family for one week, then sent away, not to return. Passed June 12, 1783.

14. Act of Rhode Island, to banish S. Knowles, (whose estate had been forfeited,) on pain of death if he return. Passed October, 1783.

15. Act of Pennsylvania, to attain Henry Gordon, unless he surrender himself by a given day, (July 24, 1783,) and seize on his estates, by the agents of forfeited estates, confirmed. Passed January 31, 1785. This act passed after the provisional articles were signed, and the time limited for the surrender of Mr. Gordon's person was many months after the account reached the United States. Part of Mr. Gordon's real estate was sold, in consequence of an order of the executive council of Pennsylvania, made in the year 1780.

16. Act of New York, for granting a more effectual relief in cases of certain trespasses. Passed March 17, 1783.

17. Act of Georgia, to point out the mode for the recovery of property unlawfully acquired under the British usurpation, and withheld from the rightful owners, and for other purposes. Passed February 17, 1783.

18. Act of New York, for suspending the prosecutions therein mentioned. Passed March 21, 1783.

19. Act of New York, to amend an act, entitled "An act for relief against absconding and absent debtors," and to extend the remedy of the act, entitled "An act for granting a more effectual relief in cases of certain trespasses, and for other purposes therein mentioned." Passed May 4, 1784.

APPENDIX D.

1. Act of North Carolina, for establishing courts of law, and for regulating the proceedings therein—sect. 101. Passed November session, 1777.

2. Act of Virginia, for directing the mode of adjusting and settling the payment of certain debts and contracts. Passed November session, 1781.

3. Act of Virginia, to repeal so much of a former act as suspends the issuing executions upon certain judgments, until December 1783. Passed May session, 1782.

4. Act of Virginia, to amend an act, entitled "An act to repeal so much of a former act as suspends the issuing executions on certain judgments, until December, 1783." Passed October session, 1782.

5. Act of Virginia, to revive and continue the several acts of assembly, for suspending the issuing executions on certain judgments, until December, 1783. Passed October session, 1783.

6. Act of Maryland, to prevent suits on certain debts, for a limited time. Passed April session, 1782.

7. Ordinance of South Carolina respecting suits for the recovery of debts. Passed March 26, 1784.

8. Act of Connecticut, relative to debts due to persons who have been and remained within the enemy's power, or lines, during the late war. Passed May session, 1784.

9. Act of Massachusetts Bay, directing the justices of the courts of judicature to suspend rendering judgment for any interest that might have accrued between the 19th April, 1775, and the 20th January, 1783, on debts due to British subjects. Passed November 9, 1784.


11. Case of Thomas Harrison's representatives, in the chancery court of Maryland.


13. Act of Rhode Island, to enable any debtor in jail on execution, at the suit of any creditor, to tender real or certain specific articles of personal estate. Passed March, 1786.


15. Act of South Carolina, for regulating sales under executions, and for other purposes therein mentioned. Passed October 12, 1785.

16. Act of Maryland, for the settlement of public accounts, and to appoint persons to collect the debts due to persons convicted of treason, and for a specific performance of certain contracts, made by British subjects previous to the Revolution. Passed November session, 1786.

17. Act of Rhode Island, of May and June, 1775; of January, July, and September, 1776; of February, 1777; and of May, 1786.

18. Act of New Jersey, for making bills, emitted by the act for raising a revenue, of 3,159; 5s. per annum, for twenty-five years, legal tender. Passed June 1, 1786.

19. Act of New Jersey, for striking and making current, 100,000l. in bills of credit, to be let out on loan. Passed May 26, 1786.
19. Act of Georgia, for emitting the sum of 50,000l. in bills of credit, and for establishing a fund for the redemption, and for other purposes therein mentioned. Passed August 14, 1786.
20. Ordinance of South Carolina, respecting suits for the recovery of debts. Passed March 26, 1784.
21. Act of South Carolina, to regulate the recovery and payment of debts, and prohibiting the importation of negroes. Passed March 26, 1787.
22. Act of South Carolina, to regulate the payment and recovery of debts, and to prohibit the importation of negroes, for the time therein limited. Passed November 4, 1788.

APPENDIX E.

2. Case of Osborne against Milﬁnn’s executors. Decided in the Supreme Court of Pennsylvania.
3. Case of Hoare against Allen. Decided in the same court.
4. Case of Stewardson, administrator of Milﬁnn, against Dorsey. Decided in the General Court of Maryland.
5. Act of Virginia, for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. October session, 1779.
6. Act of Virginia, to repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. Passed December 31, 1787.
7. Act of Virginia, to repeal so much of all and every act or acts of assembly, as prohibits the recovery of British debts. Passed December 12, 1787.
9. Case of John Smith Hatfield, at a court of Oyer and Termine, held at Bergen, in the State of New Jersey, in August, 1789.

Mr. Jefferson, Secretary of State of the United States, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

PHILADELPHIA, March 30, 1792.

Sir: A constant course of business has as yet put it out of my power to prepare an answer to your letter of the 5th instant. In the mean time I have been taking measures to procure copies of the several acts therein contained of, that I might save you the trouble of producing proofs of them. My endeavors have failed in the instances below cited, of which, therefore, I am constrained to ask you to furnish the documents. I have prefixed to them your own marks of reference, that you may the more easily find them. I beg you to be assured that I would not have given you the trouble to produce any proofs which I could have obtained myself; and I hope it will be considered as an evidence of this, that the list subjoined is only of 13 out of 94 numbers which your appendix speciﬁes. Of all the rest I either have, or expect copies in consequence of the measures I have taken.

I have the honor to be, &c.

TH. JEFFERSON.

C. 11. Act of Rhode Island to send out of the State, N. Spink, and John Underwood, &c.
12. ditto to send Wm. Young, theretofore banished, out of the State, &c.
13. Act of Rhode Island allowing Wm. Breton to visit his family, &c.
14. ditto to banish S. Knowles, &c.
The records of these cannot be dispensed with.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, April 6, 1792.

Sir: I have been so much engaged for the last five or six days, that I have not had it in my power sooner to acknowledge the receipt of your letter of the 30th March. I have, however, now the honor of submitting to your consideration some few remarks on the several points contained in my statement, of which you require an explanation.

With respect to the laws of Rhode Island, they are so blended with the journal of the general proceedings of the Legislature of the State, that it was matter of some difﬁculty to separate the legislative acts from the other transactions of the assembly; I, therefore, cannot but regret that, in selecting these instances, I could make a reference only to the dates of the particular years in which they were passed; these last will, I trust, upon recurring to the collection of the laws of Rhode Island, (which book is no longer in my possession) be found to be faithfully stated. By the expression, the old act of Maryland, I meant to combine the statute of the 5th of George the II. (declaring lands in the plantations to be personal estate for the payment of debts due the British merchants) with the act of assembly of that State of 1716, ch. xvi. sect. 3. (pointing out the mode of appraisement and delivery of the debtor’s lands in cases of debtor’s personal property.) This statute and colonial law have, I understand, been acted upon in the State courts of Maryland, since the establishment of its independence; but from the strict application of the principle of alienage, mentioned in the text to which this note refers, British creditors are incompetent to the holding of real estates, assigned under these valuation laws, in payment of their debts.

All the cases to which you have alluded (excepting that of Rutgers v. Waddington, which was printed at New York) have been collected from the manuscript notes of a friend, and I have no doubt of their being accurately reported, I wish it were in my power to furnish you with the records of them, but I beg leave to suggest to you, sir, with the utmost deference, whether those documents could not be obtained on application to the courts of the States in which the actions were tried, or the records be supplied by the gentlemen of the law, employed in the several suits.

Could this explanation not be satisfactory to you, sir, I will certainly endeavor to obtain some further information upon the several points to which you have referred, as, after the very polite and obliging manner, in which you have been pleased to express your desire of saving me trouble, I certainly feel it an act of reciprocal attention due from me to facilitate, by all the means in my power, your investigation of any part of the statement which I delivered to you.

I have the honor to be, &c.

GEO. HAMMOND.
Mr. Jefferson, Secretary of State of the United States, to Mr. Hammond, Plenipotentiary of Great Britain.

PHILADELPHIA, May 29, 1792.

Six:—Your favor of March 5th has been longer unanswered than consisted with my wishes, to forward as much as possible explanations of the several matters it contained. But these matters were very various, and the evidence of them not easily to be obtained, even where it could be obtained at all. It has been a work of time and trouble, to collect from the different States all the acts themselves, of which you had cited the titles, and to investigate the justice of all the claims and defenses, and the effect and extent of the treaty. The several dispositions lead us to wish, that the occasion now presented should not be defeated by useless recapitulations of what had been taken place anterior to that instrument. It was with concern, therefore, I observed that you had thought it necessary to go back to the very commencement of the war, and in several parts of your letter, to either of our anapapers No. 1 on all the acts of question brought which are not in the treaty, course of it, in order to deduce from thence, imputations which your justice would have suppressed, had the whole truth been presented to your view, instead of particular traits, detached from the ground on which they stood. However easy it would be to justify our country, by bringing into view the whole ground, on both sides, to show that Legislative warfare began with the British Parliament; that when they levell'd at persons or property, it was against entire towns or countries, without discrimination of cause or conduct, while we touched individuals only; naming them man by man, after due consideration of each case, and careful attention not to confound the innocent with the guilty, as properly laid down by one of the most respectable writers on this kind of legislation. But the scenes in which our's were obliged to legislate; and might then ask, whether the difference of circumstance and situation would not have justified a contrary difference of conduct, and whether the wonder ought to be, that such a great nation as we are, should have been carried away by any imputations that will want the evidence of reconciliation, as unprofitable as unconciliating.

The titles of some of your acts, and a single clause of one of them ought not to be thrown among the documents at the end of this letter, No. 1, 2, and with this we will drop forever the curtain on this tragedy.

Sect. 2. We now come together: to consider that instrument which was to heal our wounds, and begin a new chapter in our history. The state in which that found things, is to be considered as rightful: so says the law of nations. L'Etat où les choses se trouvent au moment du traité doit passer pour légitime; et si l'on veut y apporter du changement il faut que ce traité en fasse la mention expresse. Par consequent toutes les choses dont le traité ne dit rien, doivent demeurer dans l'état où elles se trouvent lors de sa conclusion." Vattel, I, 4, s. 21. "De quibus nihil dictum, ea marnent quo sunt loco." Wolf, I, 1222. No altertions then are to be claimed on either side, but those which the treaty has provided. The moment, too, to which it refers, as a rule of conduct for this country at large, was the moment of its notification to the country at large. Vattel, I, 4, s. 54. "Le traité de paix oblige les parties contractantes du moment qu'il est conclu aussitot qu'il reçut toute sa forme; et elles doivent procurer incessamment l'exécution; mais ce traité oblige les sujets du moment qu'il leur est notifié." And s. 25. "Le traité devient par la publication, une loi pour les sujets, et l'ont obligé de se conserver désormais aux dispositions dont on y est convenu." And another author as pointedly says, "Actio pacis pacis (tempus statum oblige quartum primum perfecta, cum ex pacto veniat obligatio. Subditos vero et militum, quam primum idem fecit publicata; cum de exeuctione publicatione, ena vero certe quod non posset." Wolf, I, 1225. It was stipulated, indeed, by the ninth article, that "1. if, before its arrival in America, any place or territory belonging to our party, should be conquered by the arms of the other, it should be restored. This was the only case in which transactions, intervening between the signature and publication, were to be nullified.

Congress, on the 24th of March, 1783, received informal intelligence from the Marquis de la Fayette, that provisional articles were concluded; and, on the same day, they received a copy of the articles, in a letter of March 19th, from General Carleton and Admiral Digby. They immediately gave orders for recalling all armed vessels, and communicated to the orders to those officers, who answered, on the 26th and 27th, that they were not authorized to communicate with the enemy. The 11th of April was the day fixed for the receipt of the articles from Doctor Franklin, with notice that a preliminary treaty was now signed between France, Spain, and England. The event having now taken place on which the provisional articles were to come into effect, on the usual conditions of preliminaries, Congress immediately proclaim them, and, on the 19th of April, a cessation of hostilities is published by the commander-in-chief. These particulars place all acts preceding the 11th of April out of the present discussion, and confine it to the treaty itself, and the circumstances attending its execution. I have therefore taken the liberty of extracting from your list of American acts all those preceding that epoch, and of taking this letter to either of your act. No. 1 on the whole of question brought. The summaries, passing the intended, according to their several subjects, of I. Exile and confiscation: II. Debts; and III. Interest on those debts.

Beginning, I. with those of exile and confiscation, which will be considered together, because blended together in most of the acts, and blended also in the same article of the treaty.

Sect. 3. It cannot be denied that the state of war strictly permits a nation to seize the property of its enemies found within its own limits, or taken in war, and in whatever form it exists, whether in action or possession. This is so properly laid down by one of the most respectable writers on this kind of legislation; that he has a scruple, even with a three-year intervals, all things, about which the treaty is silent, must remain in the state in which they are found at its conclusion." Vattel, I, 4, s. 21. "Those things of which nothing is said, remain in the state in which they are." Wolf, I, 1225.

"The state in which things are found at the moment of the treaty, should be considered as lawful; and if it is meant to make any change therein, it should be done in the treaty, or some constitutional act. As a general principle, all things, about which the treaty is silent, must remain in the state in which they are found at its conclusion." Vattel, I, 4, s. 21.

"The treaty of peace binds the contracting parties immediately, as it is perfect, since the obligation is derived from the past; but the subjects of the soldiers, as soon as it is published to them; since they cannot have certain evidence of it before its publication." Wolf, I, 1229.

"Since it is a condition of war, that every one of an enemy's, found among his enemies, should change his owner, and go to the treasury. It is, moreover, usually directed, in all declared wars, to take all goods of enemies, which are found in their territory, shall be seized. But, in case the mere right of war, even inimmovable property may be sold, and its price carried into the treasury, as is the custom with movable property. But in almost all Europe, it is only notified that their profits, during the war, shall be received by the treasurers, and when the war being ended, the inimmovable property itself is restored, by agreement, to the former owner." Bynk. Ques. Jur. Pub. I, 1, e. 7.
hostes invetas dominum matutae, et ficso cedere. Solit prætera in singularis fere bellii indicationibus constitut, ut bona hostium, tam apud nos riperia, quam capta bello publicantur. Si meru jus bellis sequarum, etiam immobilia possent vendi, et eorum pretium in fiscum regii, ut in mobilibus obtinat. Sed in omné fere Europa sola fit annotationem. In spectator ducente bellii, ipsa immobilia ex pactis resistuntur, praefat dominis." Bynkers. Quest. Jur. Fab. 1. c. 7. Ex: It was considered that the practice of
the law was not to pursue the latter
practice, if it could appear that they
were acting in excess of their legal
powers, but that the British courts,
having no authority to order
them by law, took up the practice of simply recommending measures to them. These recommendations they either
compelled with or, at their pleasure.
If they refused, it was not possible
that the negotiators, on either side, should
have been ignorant of the difference between agreeing to do a thing, and agreeing only to recommend it to be done.
In this case, so different a decision of them would have been supposed, even if there were no evidence that the difference was attended to, explained, and understood.

Sect. 5. But the evidence on this occasion removes all question. It is well known, that the British court had it
extremely at heart, to procure a restitution of the estates of the refugees who had gone over to their side; that they proposed it in the first conferences, and insisted on it to the last; that our commissioners, on the other hand, refused it
first to last, urging, 1st. That it was unreasonable to restore the confiscated property of the refugees, unless the
consequences which would result from it were so great, that the conduct of the People, having no authority to oblige
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Sect. 7. The same was perfectly understood by the British ministry, and by the members of both Houses of Par-
lament. And yet so reasonable an oppor-
tunity of taking as had been offered, of suggesting the necessity of the
negotiation, must have formed their judgments on the mere import of the terms. That all parties concurred in this
exposition, will appear by the following extracts from the parliamentary registers: a work, which, without
pretending to give what is spoken with verbal accuracy, may yet be relied on, we presume, for the general reasoning and opinions of the speakers.

House of Commons.—The preliminary articles under consideration: 1783, February 17th.

Mr. Thomas Pitt.—"That the interests of the sincere loyalists were as dear to him, as to any man; but that he
could never think it would have been promoted by carrying on that unfortunate war, which Parliament had in
fact suspended before the beginning of the treaty; that it was impossible, after the part Congress was pleased to
take in it, to conceive that their recommendation would not have its proper influence on the different Legislatures;
that he did not himself see what more could have been done on their behalf, except by renewing the war for their
sakes, and increasing our and their calamities."—9 Debrett’s Parl. Register, 253.
Mr. Wilberforce.—"When he considered the case of the loyalists, he confessed he felt himself there conquered; there he saw his country humiliated; he saw her at the feet of America! Still he was induced to believe, that Congress would religiously comply with the Article and that the loyal, he would obtain redress from America. Should they not, this country was bound to afford it them. They must be compensated. Ministers, he was persuaded, meant to keep the faith of the nation with them, and he verily believed, had obtained the best terms they possibly could for them."—ib. p. 236.

Mr. Secretary Townsend.—"He was ready to admit, that many of the loyalists had the strongest claims upon this country; and he trusted, should the recommendation of Congress to the American States prove unsuccessful, which he flattered himself would not be the case, this country would feel itself bound in honor to make them full compensation for their sufferings."—ib. 325. 

House of Lords.—February 17th, 1783.

Lord Shelburne.—"A part must be wounded, that the whole of the empire may not perish. If better terms could be had, think you, my lords, that I would not have embraced them? You all know my creed. You all know my steadfastness. If it were possible to put aside the bitter cup the adversities of this country presented to me, you know I would have done it; but you called for peace. I had 'but the alternative, either to accept the terms (said Congress) or to submit the Sufferings of the Colonists to the States in favor of the colonists, or continue the war. It is in our power to do no more than recommend. Is there any man who hears me, who will clasp his hand on his heart, and step forward and say, I ought to have broken off the treaty? If there be, I am sure he neither knows the state of the country, nor yet has he paid any attention to the wishes of it. But the way and, that, and after, all this estimable set of men are not received and cherished in the bosom of their own country—is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum? Who can be so base as to think she will refuse it them? Surely it cannot be that noble minded man, who would plunge his country again knee deep in blood, and saddle it with an expense of twenty millions, for the purpose of restoring them. Without one drop of blood spill, and without one fifth of the expense of one year's campaign, happiness and ease can be given the loyalists in as ample manner as these blessings were ever in their enjoyment; therefore, let the outcry cease on this head."—ib. 70, 71.

Lord Shelburne.—"Some 14th Congress, says he, engaged to recommend their [the loyalists'] cause to the Legislatures of the country. What other term could they or do they ever adopt? He has been asked, 'Upon what subject: other term did they, do they ever adopt in their requisitions to the different provinces? Is it an undertaking on the part of Congress: body, like the King here, is the executive power in America. Can the crown make laws? Will the crown do anything that the People of the United States, or Congress, can or will do? If the recommendation would be attended with success: but, said he, state the case, that it will not, the liberality of Great Britain is still open to them. Ministers had pledged themselves to indemnify them; not only in the address now moved for, but even in the last address, and in the speech from the throne."

Debrett's Parl. Reg. 44.

Lord Sackville.—"The King's ministers had weakly imagined, that the recommendation of Congress was a sufficient security for these unhappy men. For his own part, so far from believing that this would be sufficient, or any thing like sufficient, for their protection, was of a different opinion, in notions of this sort, he would put an end to their idle hopes at once, by reading from a paper in his pocket, a resolution, which the assembly of Virginia had come to, so late as on the 17th of December last. The resolution was as follows: 'That all demands or requests of the British court for the restitution of property, confiscated by this State, being neither supported by law, equity, or policy, are wholly inadmissible: and that our delegates in Congress be instructed to move Congress, that they may direct their deputies, who shall represent these States in the general Congress, for adjusting a peace or truce, neither to agree to any such restitution, or submit that the laws made by any independent State in this Union, be subjected to the adjudication of any power or powers on earth.'—ib. pages 62, 63.

Some of the speakers seem to have had not very accurate ideas of our government. All of them, however, have perfectly understood, that a recommendation was a matter, not of obligation or coercion, but of persuasion and influence, merely. They appear to have entertained greater or less degrees of hope or doubt, as to its effect on the Legislatures, and though willing to see the result of this chance, yet, if it failed, they were prepared to take the work of indemnification on themselves.

Sec. 8. The agreement then being only that Congress should recommend to the State Legislatures a restitution of estates confiscated for the benefit of liberty to remain a twelve month for the purpose of soliciting the restitution, and to recommend a revision of all acts regarding the premises; it occurred to Mr. W. immediately on the receipt of the-decisive articles, to write on the 14th of January, 1784, come to the following resolution, viz:—'Resolved unanimously, nine States being present, that it be, and it is hereby, earnestly recommended to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also, of the estates, rights, and properties, of persons resident in districts which were in the possession of his Britannick Majesty's arms, at any time between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to their respective states, and to enjoy all their rights and properties, which have been confiscated, and to use their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and it is hereby also earnestly recommended to the several States, to reconsider and revise all their acts or laws, respecting the payment of the said laws, and to perfectly constitute not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and it is hereby also earnestly recommended to the several States, that the estates, rights, and properties, of such last mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the bona fide price (whereby has been given) to which such persons may have paid, on purchasing any of the said lands, rights, or properties, since the confiscation."

Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several States by the Secretary."
Sect. 10. Georgia.—1783, July 29. An act releasing certain persons from their bargains. A law had been passed during the war, to wit: in 1782, [A. 29.] confiscating the estates of persons themselves, and those persons in whose name they were to be sold, in order to liquidate the claims of such persons as have claims against the confiscated estates. In the same law of confiscations made during the war, it had been provided that the estates confiscated should be subject to pay the debts of their former owner. This law of 1782, gave authority to the auditor to settle with, and pay the creditors, and to sell the remaining part of the estate confiscated as before. It was, therefore, necessary to pass a law of public defense to authorize the auditor with certain powers. This law also is founded on the same confiscation law of 1782, requiring the auditor to press the settlement with the creditors, &c. It is the act for authorizing the rights of aliens, and pointing out the mode for the admission of citizens. It first describes what persons shall be free to become citizens, and then declares none shall be capable of that character who had been named in any confiscation law, or banished, or who had borne arms against them. This act does not prohibit either the refugees, or real British subjects, from coming into the State to pursue their lawful affairs. It does not interfere with the right of confiscation, and it is to be observed, that this recommendatory article does not say a word about giving them a right to become citizens. If the conduct of Georgia should appear to have been peculiarly uncomplying, it must be remembered that that State had peculiarly suffered; that the British army had entirely overrun it; had held possession of it for some years; and that all the inhabitants had been obliged either to abandon their estates and fly their country, or to remain in it under a military government.

Sect. 11. South Carolina.—1783, August 15th. An act to vest 180 acres of land, late the property of James Holmes, in certain persons, in trust for the benefit of a public school. These lands had been confiscated and sold during the war. The present law prescribes certain proceedings as to the purchasers, and provides for paying the debts of the former proprietors.

1786, March 22. An act to enact the confiscation act, and for other purposes therein mentioned. This relates only to those who had been confiscated before the peace. It makes some provision towards a final settlement, and relieves a number of persons from the amercements which had been imposed on them during the war, for the part they had taken.

1786, March 26. An act restoring to certain persons their estates, and permitting the said persons to return, and for other purposes. This act recites, that certain estates had been confiscated, and the owners, 134 in number, banished by former laws; that Congress had earnestly recommended in the terms of the treaty—it therefore distributes them into three lists or classes, restoring to all of them the lands themselves, where they remained unsold, and the price, whenever there were purchasers; and that the law was passed, to pay the expenses in the transaction. The law passed, No. 2, nothing; and it permits all of them to return, only disqualifying those of No. 1 and 3, who had borne military commissions against them, from holding any office for seven years.

Governor Moultrie's letter of the 1st of December, informs us, that the most of the confiscations had been restored; that the value of those not restored, was far less than that of the property of their citizens carried off by the British, and that fifteenth, instead of twelve months had been allowed to the persons for whom permission was recommended to come and solicit restitution.

Sect. 12. North Carolina.—1784, October. An act directing the sale of confiscated property. 1785, Dec. 29. An act to secure and quiet in their possession, the purchasers of lands, goods, &c., sold, or to be sold by the commissioners of forfeited estates. These two acts relate expressly to property "heretofore confiscated and during the late war confiscated".

1790, The case of Bayard, v. Singleton, adjudged in a court of judicature in North Carolina. Bayard was a purchaser of part of an estate confiscated during the war, and the court adjudged his title valid; and it is difficult to conceive on what principle that adjudication can be complained of, as an infliction of the treaty.

1796, Oct. 19. An act to describe and ascertain such persons as owed allegiance to the State, and impose certain disqualifications on certain persons therein named.

1798, April. An act of pardon and oblivion. The two first of these acts exercised the right of the State to describe who should be its citizens, and who should be disqualified from holding offices. The last, entitled An act of pardon and oblivion; I have not been able to see; but, so far as it pardons, it is a compliance with the recommendation of Congress, to restore to those who had borne arms out of the pardon, it is a refusal to comply with the recommendation, which it had a right to do. It does not appear that there has been any obstruction to the return of those persons who had claims to prosecute.

Sect. 13. Virginia.—The catalogue under examination, presents no act of this State subsequent to the treaty of peace, on the subject of confiscations. By one of October 18, 1784, they declared there should be no future confiscations. But they did not choose to comply with the recommendation of Congress, as to the restoration of property which had been already confiscated; with respect to persons, the first assembly which met after the peace, passed, 1783, October. The act prohibiting the migration of certain persons to this commonwealth, and for other purposes therein mentioned, which was afterwards amended by, 1786, October. An act to explain and amend the preceding. These acts, after declaring who shall not have a right to migrate to, or become citizens of, the State, have each an express proviso, that nothing contained in them shall be so construed as to contravene the treaty of peace with Great Britain; and a great number of the refugees having come into the State, under the protection of the first law, it being understood that a party was forming in the State against the refugees, and that the government, No. 14, 1784, in forming the law, had consulted with the officers of government, and other civil officials, to protect them, and secure to them, the rights derived from the treaty, and acts of assembly aforesaid, and to bring to punishment all who should offend herein, in consequence of which, those persons remained quietly in the State; and many of them had remained to this day.

Sect. 14. Maryland.—1785, Nov. An act to vest certain powers in the Governor and council. Sec. 3. 1788, Nov. An act to empower the Governor and council to compound with the discoverers of British property and for other purposes. These acts relate purely to property which had been confiscated during the war; and the State not choosing to restitute it, as recommended by Congress, passed them for bringing to a conclusion the settlement of all transactions relative to the confiscated property. I do not find any law of this State, which could prohibit the free return of their refugees, or the reception of the subjects of any foreign state, And I find that they passed, in 1786, Nov. An act to repeal that part of the act for the security of their government, which disqualified non-jurors from holding offices, and voting at elections. These acts relate to the chancery of Maryland, in the list of infracions. These representives being British subjects, and the laws of this country, like those of England, not permitting aliens to hold lands, the question was, whether British subjects were aliens. They decided that they were consequently, that they could not take lands; and consequently also, that the lands in this case, should not be in the same manner seized by the power of the State, as if they had been owned by aliens. But had they not relieved them, the case would have come under the treaty; for there is no stipulation in that, doing away the laws of alienage, and enabling the members of each nation to inherit or hold lands in the other.
France and Great Britain

Section 15. Delaware. — This State, in the year 1778, passed an act of confiscation against forty-six citizens by name, who had joined in arms against them, unless they should come in by a given day, and stand their trial. The effect of Gordon's latter attempt has been, they never were summoned to the subject, either before or after the peace. There was no restitution, because there was nothing to restore, their debts having more than exhausted the proceeds of the sales of their property, as appears by Mr. Read's letter, and that all persons were permitted to return, and such as chose it, have remained there in quiet, to this day.

Section 16. Pennsylvania. — The catalogue furnishes no transaction of this State subsequent to the arrival of the treaty of peace, on the subject of confiscation, except 1790, August. An order of the executive council, to sell part of miles, to be sold by public auction, 1786, September, 22, and they were sold to Henry Gordon, by the name of Henry Gordon, to appear before the 1st day of November, 1781, and failing, his estate was seized by the commissioners of forfeitures, and most of it sold. The act of 1785, January 31, cured the misnomer, and directed wherein the estate should be restored. The confiscation was the estate sold. It was for them to say whether they would restore it, in compliance with the recommendation of Congress. They did not, and the execution of the sale was proposed. All persons were permitted to return to this State, and you see many of them living here to this day in quiet and esteem.

Section 17. New Jersey. — The only act alleged against this State, as to the recommendatory article, is, 1783, December 33, An act to appropriate certain forfeited estates. This was the estate of John Zabriski, which had been forfeited during the war, and the act gives it to Major General Baron Steuben, in reward for his services. The confiscation being complete, the Legislature were free to do this. Governor Livingston's letter is an additional reason of the moderation of this State, after the proclamation of peace, and from that we have a right to conclude, that no persons were prevented from returning and remaining indefinitely.

Section 18. New York. — This State had been among the first invaded; the greatest part of it had been possessed by the enemy through the war; it was the last evacuated; its inhabitants had in great numbers been driven off their farms; their property wasted, and themselves living in exile and penury, and reduced from sufficiency to want, it is not surprising to find that its sentiments were the most lively; accordingly, they, the inhabitants, gave a flat refusal to the recommendation, as to the restoration of property. See document No. 17, containing their reasons. They passed, however, 1784, May 13, the act to preserve the freedom and independence of this State, and forbade the owners thereof to sell, during or after discharging refugees from offices, to them, or any person, and remain as long as may be absolutely necessary to defend their estates.

Section 19. Connecticut. — A single act only on the same subject is alleged against this State, after the treaty of peace. This was 1790, An act directing certain confiscated estates to be sold. The title shows, they were old confiscations, not new ones, and Governor Huntington's letter informs us, that all confiscations and prosecutions were stopped on the peace; that some restoration of property took place, and all persons were free to return.

Section 20. Rhode Island. — The titles of four acts of this State are cited in your Appendix, to wit: 1783, May 27. An act to send out of the State, N. Spink and I. Underwood, who had formerly joined the enemy, and were returned to Rhode Island. 1783, June 8. An act to send William Young, therefore banished out of the State, and forbidden to return at his peril. 1783, June 12. An act allowing William Brenton, late an absentee, to visit his family for one week, then sent away, not to return. 1783, October. An act to banish S. Knowles, (whose estate had been forfeited) on pain of death if he return. Mr. Channing, the Attorney-General for this State for that district, says, in his letter, "he had sent me all the acts of that description, that affected the lives or property of British subjects, or American refugees. The acts above cited are not among them. In the answer of April 6, which you were pleased to give to mine of March 30, destined for copies of these, among other papers, you say the book is no longer in your possession. These circumstances will, I hope, excuse my not answering or admitting these acts, and justify my proceeding to observe, that nothing is prolix, that affects the lives or property of British subjects, or American refugees, by which the act, as on the finding of the office, cited are not among them. In the answer of April 6, which you were pleased to give to mine of March 30, destined for copies of these, among other papers, you say the book is no longer in your possession. These circumstances will, I hope, excuse my not answering or admitting these acts, and justify my proceeding to observe, that nothing is prolix, that affects the lives or property of British subjects, or American refugees, by which the act, as on the finding of the office, cited are not among them. 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Section 21. Massachusetts. — 1784, March 24. This State passed an act for repealing two laws of this State, and for asserting the right of this State and commonwealth to expel such aliens as may be dangerous to the peace and government of the State, and to cancel the effect of the act, and to place them, as to the land on which they were, as well as to the persons, but to restore to them such of their lands as were not confiscated, unless they were pledged for debt, or for the payment of taxes. 1784, November 10, An act in addition to an act for repealing two laws of this State, they allowed them to redeem their lands pledged for debt, by paying the debt.

Section 22. New Hampshire. — Against New Hampshire nothing is alleged; that State having not been invaded at all, was not induced to exercise any acts of rigor against the subjects or adherents of their enemies.

The acts, then, which have been complained of as violations of the 5th article, were such as the States were free to pass, notwithstanding the recommendation, such as it was well understood they would be free to pass without any imputation of infracation, and may therefore be put entirely out of question.

Section 33. And we may further observe, with respect to the same acts, that they have been considered as infracations not only of the 5th article, which recommended the restoration of the confiscations which had taken place during the war, but also of that part of the 6th article which forbade future confiscations. But not one of them touched an estate of a single man, but all were violations of the 5th article, so far as the confiscations were concerned. The confiscations were not to be restored to the privileges of citizenship, as to the return of persons, but to restore to them such of their lands as were not confiscated, unless they were pledged for debt, or for the payment of taxes. It cannot be said with truth, that there was not a single confiscation made in any one of the United States, after notification of the treaty; and consequently, it will not be necessary to notice again this part of the 6th article.

Section 34. Before quitting the recommendatory article, two passages in the letter are to be noted, which, applying to all the States in general, could not have been properly answered under any one of them in particular. In page 16 is the recommendation of the 5th article, which recommended the restitution of the estates and properties of persons of both these descriptions [British subjects and Americans who had staid within the British lines, but had not borne arms] certainly comprehended a virtual acquisitiveness in their right to reside where their property was situated, and to be restored to the privileges of citizenship. Here seems to be a double error, first in supposing an express provision, whereas the words of the article, and the collateral testimony adduced, have shown that the provision was neither express, nor meant to be so. And secondly, in inferring, from a restitution of the estate, a virtual acquisitiveness in the right of the party to reside where the estate is. Nothing is more frequent, than for a sovereign to purchase the person, and leave him possessed of his estate. The inference in the present case, too, is contradicted, as to the refugees, by the recommendation to permit their residence twelve months; and as to British subjects, by
the silence of the article, and the improbability that the British plenipotentiary meant to stipulate a right for subject states to emigrate and become members of another community.

Sect. 25. Again, in page 34, it is said, "The nation of Great Britain has been involved in the payment to them of no less a sum than 400 millions sterling, as a partial compensation for the losses and misfortunes which they have sustained and endured by being separated from us; that Mr. Oswald understood perfectly, that no indemnification was claimable from us; that, on the contrary, we had a counter claim of indemnification to much larger amount. It has been supposed, and without grounds, that the glimmering of hope, provided by the recommendatory article, was to quiet, for the present, the clamors of the subject states, and to keep their weight out of the scale of opposition to the peace, trusting to time and events for an oblivion of these claims, or a gradual ripening of the public mind to meet and satisfy them at a moment of less embarrassment: the latter is the turn which the thing took. The claimants continued their importunities, and the Government determined at last to indemnify them for their losses; and, open-handedly as they went to work, the whole was that a just account of mutual indemnification urged by our commissioners. It may be well doubted, whether there were not single States of our Union to which the four millions you have paid would have been no indemnification for the losses of property sustained contrary even to the laws of nations, and by the arbitrary orders of the King's officers, before the 12th of May, 1783. For these cases, the indemnification, in the form and spirit of the description you have given, would be a matter of doubt; the form, of course, of the description have amounted, would be difficult to say. However, though in no wise interested in the sums you thought proper to give to the refugees, we could not be unattentive to the measure in which they were dealt out. Those who were on the spot, and who knew intimately the state of affairs, and the individuals to whom the matter of indemnification was intrusted, knew that the most faithful administrations had paid but a few shillings in the pound, heard with wonder of the sums given, and could not but conclude, that those largesses were meant for something more than loss of property—that services and other circumstances must have been recognized, that make up the sum, in proportion to the number of refugees, where circumstances admitted them; and we have much the worst of the bargain by the alternative you chose to accept, of indemnifying your own sufferers, rather than ours."

Sect. 26. II. The article of debts is next in order; but to place on their true grounds our proceedings relative to them, will be necessary to take a view of the British proceedings, which are the subject of complaint in my letter of December 15.

In the 7th article, it was stipulated, that his Britannic Majesty should withdraw his armies, garrisons, and fleets, without carrying away any property, appurtenant to the province of America, which the King's officers, before the 13th of March, 1783, as provisionally agreed; and on the 5th of April they received official notice from their court of the conclusion and ratification of the preliminary articles between France, Spain, and Great Britain, which gave activity to ours, as appears by the letter of Sir Guy Carleton to Gen. Wayne, sent by the 15th of December, 1782. From the 22d of March to the 21st of April, the evacuation of New York was carried away without a violation of the treaty. Yet we find that, so early as May 6, a large number of them had already been embarked for Nova Scotia, of which, as contrary to an express stipulation in the treaty, Gen. Washington declared to him his sense and his purpose. In the letter of Sir Guy Carleton to Gen. Wayne, March 22d, he has said: "The evacuation of New York was carried away without violation of the treaty. Yet we find that, so early as May 6, a large number of them had already been embarked for Nova Scotia, of which, as contrary to the treaty, Gen. Washington declared to him his sense and his purpose." But by sir, an officer of the King is not to question the validity of the King's engagements, nor violate his solemn treaties, on his own scroop about the public faith. Under this pretext, however, General Carleton went on in daily infraction, embarking, from time to time, before his notice of the treaty, the 5th of April, and the evacuation was not completed till it late in November. It was the principal place of arms and stores; the seat, as it were, of their general government, and the asylum of those who had fled to them, a great quantity of shipping was necessary, therefore, for the removal of which the Government was obliged to call for a part from foreign countries. These causes of delay were duly respected on our part. But the posts of Michilimackinac, Detroit, Niagara, Oswego, Oswegatchie, Point-au-Fer, Dutchman's Point, were not of this magnitude. The orders for evacuation, which reached General Carleton, in New York, early in April, might have gone, in one month more, to the most remote of these posts. Some of them might have been evacuated in a few days after, and the longest in a few weeks. Certainly they might all have been delivered, without any inconvenient speed in the operations, by the end of May, from the known facility furnished by the lakes, and the water connecting them; or by crossing immediately over the lakes, and the great rivers, where the evacuation might have been made, and the principal posts abandoned, as desired.

Or, whatever time might, in event, have been necessary for their evacuation, certainly the order for it should have been given from England, and might have been given as early as that from New York. Was any order ever given? Sir, I know nothing of the order, producing an equal delay in the evacuation, be an interference with the treaty? Let us investigate this matter.

On the 3d of August, 1783, Major General Baron Steuben, by orders from General Washington, having repaired to Canada for this purpose, wrote the letter, No. 22, to General Haldimand, Governor of the province, and received from the said General the following answer, which he says was written by him... The premisses do not amount to any thing taken away by the pursuivant of the Government, the only exception of any hostile measure only, &c. And in his conference with Baron Steuben, he says expressly, "That he had not received any orders for making the least arrangement for the evacuation of a single post." The orders, which, then might have been with him by the last of April, were unknown, if they existed, the middle of August. See Barron's Letters, Nos. 23 and 24.

Again, on the 19th of March, 1784, Governor Clinton, of New York, within the Emits of which State some of these posts are, writes to General Haldimand, the letter No. 25; and that General, answering him, May 10, from Quebec, he says, "I have received no orders from you for taking new establishments there, if that was intended. Or, whatever time might, in event, have been necessary for their evacuation, certainly the order for it should have been given from England, and might have been given as early as that from New York. Was any order ever given? Sir, I know nothing of the order, producing an equal delay in the evacuation, be an interference with the treaty? Let us investigate this matter."

* * * Lors qu'on n'a point marqué de terme pour l'accaplement du traité, et pour l'exécution de chacun des articles, le bon sens dit que chaque point doit être exécuté aussitôt qu'il est possible. C'est sans doute ainsi qu'on l'entendu."*

† Instead of this, Port Eric was, by error, inserted in my letter of December 15.
Again, on the 13th of July, Colonel Hull, by order from General Knox, the Secretary of War, writes to General Haldimand, the letter No. 27; and General Haldimand gives the answer of the 13th, No. 28, wherein he says, "Though I am now informed, by his Majesty's ministers, of the ratification, &c. I remain, &c. not having received any order to evacuate the last, &c." This is the last signal of the final ratification of the American act.

Now, is it not fair to conclude, if the order was not received on the 13th of August, 1783, if it was not received on the 16th of May, 1784, nor yet on the 13th of July, in the same year, that, in truth, the order had never been given? and if it had never been given, may we not conclude that it never had been intended to be given? (See infractions.) If this is the case, at what time could they have been made, or the order to evacuate the upper posts might have been given. No legitimate reason can be assigned, why that order might not have been given as early, and at the same time, as the order to evacuate New York; and all delay, after this, was in contravention of the treaty.

Sect. 28. Was this delay merely innocent and unimportant to us, setting aside all considerations but the interest and welfare of Great Britain, and the view of the whole transaction as a branch of commerce, and as a source of remittance for the payment of our debts to Great Britain; for, the injury of withholding our posts, they added the obstruction of all passage along the lakes and their communications. 2. It included us from connexion with the northwestern Indians, from all opportunity of keeping up their friendship and domestic commerce, by means of goods which, in which numbers of men, women, and children, have been, and still are, daily falling victims to the scalping knife, and to which there will be no period, but in our possession of the posts which command their country.

It may be said, then, that the treaty was violated in England, before it was known in America, and in America, as it was known, and that too, in points so essential, as that, without them, it would never have been concluded.

Sect. 29. And what was the effect of these infractions on the American mind? On the breach of any article of a treaty by the one party, the other has its election to declare it dissolved in all its articles, or to compensate itself by withholding execution of equivalent articles, or to waive notice of the breach altogether. In pursuance of this principle, the British first officer, in the Sierra Nevada, and negroes from New York, in avowed violation of the treaty, and against the repeated remonstrances of General Washington, they take up the subject on the 26th of May, 1783; they declare that it is contrary to the treaty; direct that the proper papers be sent to the ministers plenipotentiary in Europe to remonstrate, and demand reparations, and General Washington, complying with the remonstrances to the British commanding officer, insist on the discontinuance of the measure. See document No. 29.

Sect. 30. The State of Virginia, materially affected by this infraction, because the laborers thus carried away were chiefly thence, while heavy debts were now to be paid to the very nation which was depriving them of the means, took up the subject in December, 1783, that is to say, seven months after that particular infraction. In May, four months after the first refusal to deliver up the posts, and instead of arresting the debts absolutely, in reprimal for their negroes carried away, they passed [D. 5] the act to revive and continue the several acts for suspending the issuing executions on certain judgments until December, 1783, that is to say, they revived, till their next meeting, twenty six passed in the curtailed and burdensome assignments of debt, and as to others, allowed real and personal estate to be tendered in discharge of executions; the effect of which was to relieve the body of the debtor from prison, by authorizing him to deliver property in discharge of the debt. In June following, thirteen months after the violation last mentioned, and after a second refusal by the British commanding officer, they passed [D. 39, 40] the act, [D. 47] reviving the former act, for suspending the issuing executions on certain judgments, and a new act, [D. 48] for suspending the issuing of executions on all debts. They then, as before, instructed their delegates in Congress to press for reparations; and resolving, that the courts shall be opened to British suits, as soon as reparations shall be made, or otherwise, as soon as Congress shall judge it indispensably necessary. And in 1787, they passed [C. 7. ] the act to repeal so much of all and every act of the aforesaid, as prohibits the transportation of negroes into the United States; and, at the same time [D. 6. ] the act to repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America. The former was not to be in force till the evacuation of the posts, and repARATION for the negroes carried away. The latter requires particular explanation. The small supplies of European goods, which reached us during the war, were frequently brought by captains of vessels and supercargoes, who, as soon as they had sold their goods, were to return to Europe with their vessels. To persons under such circumstances, it was necessary to give a summary remedy for the recovery of the proceeds of their sale. This had been done by the law for the protection and encouragement of the British merchants, and for the use of the produce of the British colonies, by the act of the 13th of July, 1783, and 13th of April, 1784, which, the British for a very short time, temporary thing, to continue while the same circumstances continued. On the return of peace, the supplies of foreign goods were made, as before the war, by merchants resident here. There was no longer reason to continue to them the same protection as before, and it had been provided for them by the laws of 1784. Indeed, indeed, it would have been unequal to have given the remedial ancient quasi-instantaneous judgment against a farmer or tradesman, while the farmer or tradesman, could pursue those who owed him money but in the ordinary way, and with the ordinary delay. The British creditor had no such unequal privilege while we were under British government, and had no title to it, in justice, if not by treaty, by Great Britain, and repeated and constant refusal of compliance on their part.

Sect. 31. South Carolina was the second State which moved in consequence of the British infractions, urged thereto by the desolated condition in which their armies had left that country, by the debts they owed, and the entire destruction of the means of paying them. They passed [D. 7. 20.] 1784, March 25, an ordinance requiring the recovery of debts, suspending the recovery of all actions, as well American, as British, for a time limited, and then allowing them to recover payment at four annual and equal instalments only, requiring the debtor in the mean time, to give good security for his debt, or otherwise refusing him the benefit of the act, by—

[D. 31.] 1787, Mar. 5, An act to regulate the recovery and payment of debts, and prohibiting the importation of negroes into the United States. It was then the occasion of the 13th of July, 1784, that a very urgent and distressing case, the inability to procure the two following acts [D. 14.] 1785, Oct. 12, An act for regulating sales under executions, and for other purposes therein mentioned; and

[D. 32.] 1786, Mar. 4, An act to regulate the payment and recovery of debts, and to prohibit the importation of negroes for the time therein limited; and I know nothing of their effect, or their existence, but from your letter, which says, their effect was to deliver property in execution, in relief of the body of the debtor, and still further to postpone to the instalments. If, during the existence of material infractions on the part of Great Britain, the occupation of the United States by the British, their unceremonious exclamations of the burning of their ships, the peculiar distresses of that State, and the liberality with which they had complied with the recommendatory articles, notwithstanding their sufferings might have inspired other dispositions, having pardoned every body, received every body, restored all confiscated lands not sold, and the prices of those sold.

Sect. 32. Rhode Island next acted on the British infractions, and imposed modifications in favor of such debtors as should be pursued by their creditors, permitting them to receive their debts by the payment of money, or delivery of property. This was the effect of [D. 12.] 1786, March, An act to enable any debtor in jail, on execution at the suit of any creditor, to tender real, or certain specific articles of personal estate; and [D. 13.] 1786, May, An act making paper money a legal tender. But observe, that this was not till three years after the infractions by Great Britain, and repeated and constant refusal of compliance on their part.

Sect. 33. New Jersey did the same thing, by—

[D. 13.] 1786, Mar. 23, An act to direct the modes of proceedings on writs of fieri facias, and for transferring lands and chattels for payment of debts; and
FOREIGN RELATIONS.

[1796.]

[D. 18. 1786. May 26. An act for striking, and making current £100,000 in bills of credit, to be let out on loan and]

[D. 17. 1786. June 1. An act for making bills, emitted by the act for raising a revenue of £31,239 3s. per annum, for twenty-five years, a legal tender; and]

[Sect. 54. Georgia, by [D. 19.] 1786, August 14. An act for emitting the sum of £30,000 in bills of credit, and for establishing a fund for the redemption, and for other purposes therein mentioned, made paper money also a legal tender.]

These are the only States which appear, by the acts cited in your letter, to have modified the recovery of debts. But I believe that North Carolina also emitted a sum of paper money, and made it a tender in discharge of executions, though not having seen the act, I cannot affirm it with certainty. I have not mentioned, because I do not view it as affecting our relations with this State, the act of the Commonwealth of Virginia, 12 Geo. 1, for June 22, 1786, which also modified the recovery of debts. It obliged the British subject, before he could recover what was due to him within the State, to give bond for the payment of what he owed therein. It is reasonable that every one, who asks justice, should do justice to another, and that the debtor is as much obliged to pay the creditor, in any country, as a foreigner, in any country, to pay the property, which is to answer their demands, be withdrawn from its jurisdiction, and send them to seek it in foreign countries, and before foreign tribunals.

[Sect. 32. With respect to the obstacles thus opposed to the British creditor, besides their general justification, as being produced by the previous injunctions on the part of Great Britain, each of them admits of a special apology. They are, 1st. Delay of judgment; 2d. Liberating the body from execution, on the delivery of property; 3d. Admitting executions to be discharged in paper money. As to the 1st, let it be considered, that, from the nature of the commerce carried on between these States and Great Britain, they were generally kept in debt; that a great part of the country, and most particularly Georgia, South Carolina, North Carolina, Virginia, New York, and Rhode Island, had been ravaged by an enemy, moveable property carried off, houses burnt, lands abandoned, the proprietors forced off their own land poor only when the peace permitted them to return again to their lands, naked and destitute as they were, was instant payment practicable? The contrary was so palpable, that the British creditors themselves were sensible, that, were they to rush to judgment immediately against their debtors, it would involve the debtor in total ruin, without relieving the creditor. It is a fact, for which we may appeal to the knowledge of one member at least, that the court of equity, in the administration of the laws of judicial equivalents, generally considered the character and condition of the debtors, in comparison with those of merchants with the American ministers then in London, was so sensible that time was necessary, as well to save the creditor as debtor, that he declared there would not be a moment's hesitation, on the part of the creditors, to allow payment by instalments annually for seven years, and that this arrangement was not made, was neither his fault nor ours.

[To the necessities for some delay in the payment of debts may be added the British commercial regulations, lessening our means of payment, by prohibiting us from carrying in our own bottoms our own produce to their dominions, and the exclusion of all their commerce from our ports. The means of payment constitute one of the motives to purchase, at the moment of purchasing. If these means are taken away, by the creditor himself, he ought not in conscience to complain of a mere retardation of his debt, which is the effect of his own act, and the least injurious of those it is capable of producing. The instalments acts before enumerated have been termed less great injury than less convenient, and for a shorter term. But all who think reasonable. Most of them required the debtor to give security, in the mean time, to his creditor, and provided complete indemnification of the delay by the payment of interest, which was enjoined in every case.]

[Sect. 36. The second species of obstacle was the admitting the debtor to relieve his body from imprisonment, by the delivery of lands or goods to his creditor. And this idea original, and peculiar to us? or whence have we taken it? From England, from Europe, from natural right and reason. For it may be safely affirmed, that neither natural right nor reason subjects the body of a man to restraint for debt. It is one of the abuses introduced by commerce and credit, and which even the most commercial nations have been obliged to relax, in certain cases. That Roman law, the principles of which are the nearest to our natural reason of those any municipal code hitherto known, allowed imprisonment of the body in criminal cases only, or those wherein the party had expressly submitted himself to it. To matters in private, and generally in civil cases, was only in England, that the creditor could by writ, in other cases, (as bankruptcy) release the body. Many of the United States do the same in all cases, on a cession of property by the debtor. The levari facias, an execution allowing only the profits of lands, is the only allowed in England, in certain cases. The credit, another execution of that and this country, attaches first on a man's chattels, and takes the produce of his land, but it is after the nature of the creditor to make what allowance for his debt, and if not sufficient, one half only of his lands are then to be delivered to the plaintiff, till the profits shall have satisfied him. The tender laws of these States were generally more favourable than the execution by writ, but the creditors gave, as that does, the whole property in chattels, produce of lands, and not merely the profits of the land. It is, therefore, an execution framed on the model of the English levaris, or rather an amendment of that writ, taking away, indeed, the election of the party against the body of his debtor, but giving him, in exchange for it, much more complete remedy against his lands. Let it be observed, too, that this proceeding was permitted against citizens, as well as foreigners, and it may be questioned, whether the treaty is not satisfied, while the same measure is dealt out to British subjects, as to foreigners of all other nations, and to natives themselves. For it would seem, that all a friend can expect, is to be treated as a native citizen.]

[Sect. 57. The third obstacle was the allowing paper money to be paid for goods sold under execution. The complaint on this head is only against Georgia, South Carolina, Jersey, and Rhode Island; and this objection, like the two others, sprung out of the peculiar nature of the war: for those will form very false conclusions, who reason, as to this war, from the circumstances which have attended other wars, and other nations. When any nation of Europe is at war, it is not the case with any of their neighbors, with whom its accustomary commerce goes on, without interruptions; and its commerce with more distant nations is carried on by sea, in foreign bottoms, at least under protection of the laws of neutrality. The produce of its soil can be exchanged for money, as usual, and the stock of that medium of circulation is not at all diminished by war; so that property sells as readily as and well, for real money, at the close, as when the war commenced. But in the case of the poor, who were in the rear, to whom the produce of our land was sold, and deserts inhabited by savages in league with them; on the east, an ocean of one thousand leagues, beyond which, indeed, were nations, who might have purchased the produce of our soil, and have given us real money in exchange, as such, for instance, our sugar, our starch, our rice, our wheat; there, as there was no part of our enemies, if they should presume to consider us a people, entitled to partake of the benefit of that law of war, which allows commerce with neutral nations. What were the consequences? The stock of hard money, which was a little reduced, but at an ample degree, at the beginning of the war, soon flowed into Europe for support of arms, ammunition, and other necessaries, which were necessary for the soldiers of the time. The produce of our soil, attempted to be carried in our own bottoms to Europe, fell, two-thirds of it, into the hands of our enemies, who were masters of the sea; the other third ill sufficed to procure the necessary implements of war: so that no returns of our commerce, in its former state, were equal to what we have gained since that time. We were reduced, then, to the resource of a paper medium, and that completed the exile of the hard money: so that, in the latter stages of the war, we were, for years together, without seeing a single coin of the precious metals in circulation. It was closed with a stipulation that we should pay a large mass of debt, in such coin. If the whole soil of the United States had been offered for sale for ready coin, it would not have raised as much as would have satisfied this stipulation. The thing, then, was impossible,
and reason and authority declare. "Si l'empêchement est reel, il faut donner du tems; car nul n'est tenu a l'im-
possibilité." Vattel, 1.4, s. 51. We should, with confidence, have referred the case to the arbiter proposed by anoth-
other power, who would have been able, under existing circumstances, to decide according to the mit-
mitten alternans principis, quo bono viri arbitrio."† Byrk. Q. J. P. L. 2, c. 10. That four of the States should resort,
under such circumstances, to very small emissions of paper money, is not wonderful; that all did not, proves the
wisdom of Congress in not repealing the laws to that effect, and the necessity of exercising the power to con-
vence, even by way of equivalent, stipulations which had been authoritatively entered into for them. And even
in the four States, which emitted paper money, it was in such small sums, and so secured, as to suffer only a short
live, and not great depreciation of value; nor did they continue its quality as a tender, after the first paroxysms of
debt and distress. Here, too, it is to be observed, that natives were to receive this species of payment, equally
with British subjects.

So that, when it is considered, that the other party had broken the treaty, from the beginning, and that, too, in
points the most important, and that as the result of it was to enable the said other party to avail itself of no other
of the opportunity of retaliation presented to them, than to indulge the debtors with that time for discharging
their debts, which their distresses called for, and the interests and the reason of their creditors approved.

Sect. 38. It is to be observed, that, during all this time, Congress, who alone possessed the power of peace and war,
of making treaties, and, consequently, of declaring their infractions, had abstained from every public declaration,
and had confined itself to the resolution of May 26th, 1785, and to repeated efforts, through their minister pio,
ponentary at the court of London, to lead that court into compliance with their part, and repairation of the breach
which they had committed in the previous proceedings of their States, which their previous
infractions had produced, as a ground for further refusal; and inventing the natural-order of cause and effect,
all the proceedings of ours were the causes of the infractions, which they had committed months and years before.
The British minister for foreign affairs, in his answer of February 26th, 1786, to Mr. Adams's memo-
rial, says, "The engagements entered into into treaty must be, mutually, and equally binding on the respective
contracting parties. It would, therefore, be the height of folly, as well as injustice, to suppose one party alone
obliged, to a strict observance of the public faith, while the other might remain free to deviate from its own engage-
ments. The British government may, in this respect, with peculiar advantage, be regarded as in a state of
credit and importance: I flatter myself, however, sir, that justice will speedily be done to British creditors; and I
can assure you, sir, that whenever America shall manifest a real intention to fulfil her part of the treaty, Great
Britain will immediately comply with it, in which event the other party has the advantage of an article of it into real and complete effect." Facts will furnish the best commentary on this letter. Let us pursue
them.

The Secretary for Foreign Affairs of the United States, by order of Congress, immediately sent circular letters to
the Governors of the several States, dated May 5, 1786, No. 31, to obtain information as to how far they had
received the proclamation of January 14th, 1784, and the recommendation accompanying it; and April 13, 1787,
Congr. desires of removing every pretexts which might continue to cek the execution of the treaty, wrote a circular
letter to the several States, in which, in order to produce more surely, the effect desired, they demonstrate that Con-
gress alone possess the right of interpreting, restraining, impeding, or counteracting the operation and execution
of treaties, which, on being constitutionally made, become, by the confederation, a part of the law of the land, and, as
such, independent of the will and power of the Legislatures; that, in this point of view, the State acts, establishing
provisions relative to the same objects, and incompatible with it, must be improper; resolving that all such acts now
existing ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of the treaty,
and to avoid the disagreeable necessity of discussing their validity: recommending, in order to obviate all future
parties and questions, that every State, as well those which had passed no such acts as those which had, should pass
an act, repealing, in general terms, all acts and parts of acts repugnant to the treaty, and I am bound to add,
thus, by informing them that they had the strongest assurances that an exact compliance with the treaty on our part,
would be followed by a punctual performance of it on the part of Great Britain.

Sect. 39. In consequence of these letters, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York,
Delaware, Maryland, Virginia, and North Carolina, passed the acts No. 33, 34, 35, 36, 37, 38, 39, 40. New
Jersey and Pennsylvania declared that no law existed with them repugnant to the treaty—see documents No. 41,
42, 43, 44, 45. South Carolina had passed, in the months of August, September, and October, 1785, an act, entitled
relating to the sterling currency, and reference was made to it, as having been passed, a convenient measure to
reflect the present state of the American finances, and at the same time to prevent the redemption of all debts
which had been contracted, and to the best extent annexed for other purposes. Thus, in Rhode Island, Governor Collings
in his letter, No. 20, says, "The treaty, in all its absolute parts, has been fully complied with, and to those parts that
are merely recommendatory, and depend upon the legislative discretion, the most candid attention hath been paid.
"Plans implying that the entire parts did not depend upon the legislative discretion. Mr. Channing, the attorney
for the United States in that State, No. 19, speaking of an act passed before the treaty, says, "This act was consid-
ered by our courts as annulled by the treaty of peace, and subsequent to the ratification thereof no proceedings have
been had thereon." The Governor of Connecticut, in his letter, No. 18, says, "The sixth article of the treaty was
immediately proceeded upon, and the legislature empowered to make amending laws for that purpose, and they have
done it, by an act, which is referred to, as a part of the treaty. The act provides for the annexing of all laws, passed
by the States for the purpose of raising money, or for the repayment of debts, into the treasury of that State. This
had been done by Delaware, 1786, and 1788, by New Jersey, 1787, by Pennsylvania, 1787, by New York, 1787;
"I 9. There being a law in Pennsylvania, Mr. Lewis, attorney for the United States, says, in his letter, No. 60, "The judges have, uniformly and without hesitation, declared in favor of the treaty, on the ground of its being the supreme law of the land. On this ground, they have only discharged.
attenuated trustees from arrest, but have frequently declared that they were entitled by the treaty to protection. The
case of the Commonwealth vs. Gordon, January, 1785, Dallas's Reports, 255, is a proof of this. In Maryland,
in the case of Mildred vs. Dorsey, cited in your letter [E. 4.] a law of the State, made during the war, had compelled
some of its creditors to deposit in British subjects to pay them into the treasury of that State. This had been done
by Delaware, 1786, and 1788, by New Jersey, 1787, by Pennsylvania, 1787, by New York, 1787, by Virginia, 1787;
by Maryland, 1789; and in all except New York, in cases of discovery of the face value of the money carried into the
public loan office, in payment of British debts, use these expressions: "And whereas it belongs not to
the Legislature to decide particular questions, of which the judiciary have cognizance, and it is, therefore, until

†† If the obstacle be real, time must be given, for no one is bound to an impossibility." Vattel 1.4, s. 51.

‡‡ No one is bound beyond what he can do, and whether he can, may be left to the decision of the other prince, as an honest
man." Byrk. Q. J. P. L. 2, c. 10.

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for them to determine whether the payments so made into the loan office be good or void between the creditor and debtor." In New York, Mr. Harrison, attorney for the United States in that district, assures us, No. 45, that the act of the 15th of June, 1816, if not restricted to the particular cases therein mentioned, is restrained by the superior courts of the State from operating on British creditors, and that he did not know a single instance to the contrary—a full proof that they considered the treaty as a law of the land, paramount to the law of their State.

Sect. 41. The very case of Rutgers, vs. Waddington, [8] which is a subject of complaint in your letter, is a proof that the courts consider the treaty as paramount to the laws of the States. Some parts of your information, as to the case of Rutgers, is, perhaps, not quite correct. There had, indeed, been a difference between the parties in any action by the proprietor of a house or tenement against the occupant, for rent or damage, no military order should be a justification; and, May 4, 1794, after the refusal of the British to deliver up the posts in the State of New York, that Legislature revived the same act. [C. 15.] Waddington, a British subject, had occupied a brewhouse in the State of New York, which he had rented from Rutgers, a Dutch subject, while by a convention entered into with the British, he was but a part of the time he had only permission from the quartermaster general; for another part he had an order of the commanding officer to authorize his possession. After the evacuation of the city, Rutgers, under the authority of this act, brought an action against Waddington for rent and damages. Judge Robinson, of New York, gave judgment for Rutgers; and Waddington appealed, the court declared the treaty a justification, in opposition to the law of the State, for that portion of the time authorized by the commanding officer, his authority being competent, and gave judgment for that part in favor of the defendant; but, for the time he held the house under permission of the quarter- master general only, they gave judgment against the defendant, considering the permission of that officer incompetent, according to the regulations of the existing powers. From this part of the judgment the defendant appealed. The first part, however, was an unequivocal decision of the superior authority of the treaty over the law. The latter part could only have been founded in an opinion of the sense of the treaty in that part of the 6th article which declares,

"There shall be no future prosecutions against any person for the part he may have taken in the war, and that no person should, on that account, suffer any future loss or damage in their property," &c. They must have understood this as only protecting actions which were conformable with the laws and authority existing at the time and place. This was more than mere judgment, it was a declarative sentence, of the general war in which the British officer was. Some may think that murders, and other crimes and offences, characterized as such by the authority of the time and place where committed, were meant to be protected by this paragraph of the treaty; and, perhaps, for personal injuries to British officers, or to those who might have been aiding the British. The British have, however, brought it. The defendant appealed, and the question would have been authoritatively decided by the superior court, had not an amicable compromise between the parties. See Mr. Hamilton's statement of this case, No. 46.

Sect. 42. The same kind of doubt brought on the arrest of John Smith Hatfield, in New Jersey, whose case [E. 9] is another ground of complaint in your letter. A refugee, sent out by the British as a spy, was taken within the American lines, regularly tried by a court martial, found guilty, and executed. There was one Ball, an inhabitant of the American part of Jersey, who, contrary to the laws of his country, was in the habit of secretly supplying the British camp in Staten Island, with provisions. The laws at the time enacted, which it does not appear he had any knowledge, and certainly no agency in his prosecution, John Smith Hatfield, a refugee also from Jersey, and some others of the same description, seized him, against the express orders of the British commanding officer, brought him out of the British lines, and Hatfield hung him with his own hands. The British officer sent a message to the Americans, disavowing this act, declaring that the British had nothing to do with it, and that those who had perpetrated the crime ought alone to suffer for it. The right to punish the guilty individual seems to have been yielded by the one party, and accepted by the other, in exchange for that of retaliation on his party. Those persons who did this, and who might be held accountable for it, are in the very neighborhood, a member of which he had murdered. Peace, indeed, had now been made; but the magistrate, thinking, probably, that it was for the honest soldier and citizen only, and not for the murderer, and supposing, with the mayor's court of New York, that the paragraph of the treaty against future prosecutions meant to cover authorized acts only, and not murders and other atrocities, disavowed by the existing authority, arrested Hatfield. At the court which met for his trial, the witnesses failed to attend. The court released the criminal from confinement, on his giving the security required by law for his appearance at another court. He fled; and you say that, "as was usual in those days, the trial did not determine the fact. The law having already been avowed to be a part of the treaty, it more prudent to suffer the forfeiture of the recognizances, than to put his life again into jeopardy." But your information in this, sir, has not been exact. The recognizances are not forfeited. His friends, confident in the opinion that the entire proceedings in the case of a British subject, by British judges, have determined to plead the treaty, and not even give themselves the trouble of asking a release from the Legislature; and the case is now depending. See the letter of Mr. Boudinot, member of Congress for Jersey, No. 47.

Sect. 43. In Georgia, Judge Walton, in a charge to a grand jury, says, "The State of Rhode Island having acceded to the General Government, and to discern the relation between that and those of the States, will be equally our interest and duty. The constitution, laws, and treaties of the Union are paramount." And in the same State, in their last federal circuit court, we learn from a recent decision, that debts due to the United States and others, British subjects, whose debts had been sequestered (not confiscated) by an act of the State during the war, the judges declared the treaty of peace a repeal of the act of the State, and gave judgment for the plaintiffs.

Sect. 44. The integrity of those opinions and proceedings of the several courts should have shielded them from the insinuations hazarded against them. In page 9 and 10, it is said, "That during the war, the Legislatures passed laws to confiscate the estates of the loyalists, to enable debtors to pay into the State treasuries paper money, then exchanged for the English silver on deposit; that the paper was par value, the commission of the committee of finance was not to be discharged, and they were under the impression that the paper had been as unpatriotic to the subjects of the crown, as the legislative acts of the different assemblies." Let us compare, if you please, sir, these unpatriotic opinions of our State courts with those of foreign lawyers' writing on the same subject. Quod dixi de actionibus recto publicaudis ina deum obtinat: si quo subditis nostris hos- beant, princeps a subsidiis sui revera exequiet. Si egeste, recte solutum est, si non egeste, pacia facta, reviviscat jus pristium creditoris; secundum, haec inter gentes gere convenit, ut nominibus bello publicatis, pacta deinde facta, exacta censeantur perisse, et manente extinta; non autem exacta reviviscat et restituantur his creditoris. In England, as you know, the judge of the Court of Sessions in the case of Milford and Dorsey? That a debt derived from an American debtor into the treasury of his sovereign is not extinct, but shall be paid over again to his British creditor. Which is most propitious, the unbalanced foreign jurist, or the American judge, charged with dispensing justice with favor and partiality? But from this, you say, the English judge, decided in favor of the debtor, and to the creditors, it was a faulty decision, and that the Government could have a process, and there to be one, allowing no appeal from the first errors of their courts? and if allowed from errors, how will those from just judgments be prevented? In England, as in other countries, an appeal is admitted to the party thinking him
self injured; and here, had the judgment been against the British creditor, and an appeal denied, there would have been better cause of complaint than for not having denied it to his adversary. If an illegal judgment be ultimately rendered on the appeal, then will arise the right to question its propriety.

Sect. 45. Again, it is said, page 54, "In one State the supreme federal court has thought proper to suspend for many months, because of a British claim, brought by a British creditor, the meaning of the supreme court of the United States, I have had their records examined, in order to know whether by the case here alluded to I am authorized to say, there neither does, nor ever did exist any cause before that court, between a British subject and a citizen of the United States. See the certificate of the clerk of the court, No. 48. Why the same court does not go into the same details of the case, the United States of the latter term, between Judg. Georgia, subject, plaintiff, and Walker, an American, defendant; wherein the question was the same as in the case of Mildred and Dorsey, to wit: Whether a payment into the treasury, during the war, under a law of the State, discharged the debtor? One of the judges retiring from court, in the midst of the argument, on the accident of the death of the one, was not convinced that the other judges had arrived at a decision. This is the case of a single country, of every country, and of every country, where law, and not favor, is the rule of decision, of taking time to consider. Time and consideration are favorable to the right cause—precipitation to the wrong one.

Sect. 46. You say again, p. 29, "The few attempts to recover British debts, in the county courts of Virginia, have uniformly failed, and these are the courts wherein, from the smallness of the sum, a considerable number of debts can only be recovered." And again, p. 54, "In the same State, county courts (which alone can take cognizance of debts not exceeding $1000) have brought all suits instituted for the recovery of sums due to the subjects of the crown of Great Britain." In the first place, the county courts, till of late, have had exclusive jurisdiction only of sums below 100l. and it is known, that a very inconsiderable proportion of the British debt consists in demands below this amount. The suits have been brought by a number of associations having the highest duty, and authority there, that as to all, at the same time, an appeal to correct any errors into which they may fall. In the second place, the evidence of gentlemen who are in the way of knowing the fact, No. 53, 55, is, that though there have been accidental checks in some of the subordinate courts, arising from the chicanery of the debtors, and sometimes, perhaps, a mistaken judgment of the facts, the instances of defects of this kind do not exist in the adjudications of the same or the superior court, while the great mass of suits for the recovery of sums due to the subjects of the crown of Great Britain, have been uniformly sustained to judgment and execution.

Sect. 47. A much broader assertion is hazarded, page 29, "In some of the Southern States, there does not exist a single instance of the recovery of a British debt in their courts, though many years have expired since the establishment of peace between the two countries. The particular States are not specified. I have, therefore, thought it my duty to extend my inquiries to all the States which could be designated under the description of Southern, to wit: Maryland, and those to the south of that.

As to Maryland, the joint certificate of the senators and delegates of the State in Congress, the letter of Mr. Tilghman, a gentleman of the law in the same State, and that of Mr. Grinn, clerk of their general court, prove that British creditors have been maintained in the superior and inferior courts throughout the State without any objection. That in the same State, that British claimants have, in every instance, enjoyed every facility in the tribunals of justice equally with their own citizens; and have recovered in due course of law, and remitted large debts, as well under contracts previous, and subsequent to the war.

In Virginia, the letters of Mr. Monroe and Mr. Giles, members of Congress from that State, and lawyers of eminence in it, prove that the courts of law in that state have been open and freely resorted to by the British creditors, who have recovered and levied their moneys without obstruction: for we have no right to consider as obstructions that which is done in the United States by a process for levying debts on a court where there is no such process. One of the instances is, that British claimants have, in every instance, enjoyed every facility in the tribunals of justice equally with their own citizens; and have recovered in due course of law, and remitted large debts, as well under contracts previous, and subsequent to the war.

In Georgia, the letter of the senators and representatives in Congress, No. 35, assures us that, though they do not know of any recovery of a British debt, in their State, neither do they know of a denial to recover since the ratification of the treaty, the creditors having mostly preferred amicable settlement; and that the federal court is as open and unobstructed to British creditors there, as in any other of the United States; and this is further proved by the late recovery of Beefield and others, before cited.

Sect. 48. You say more particularly of that State, page 55, "It is to be lamented, that, in a more distant State, (Georgia), your much revered opinion of the treaty of 1783, has not been more generally diffused; and that the opinion of the legislative act of the State, confirmed the treaty of peace with Great Britain, was still continued between the two countries—a principle which may perhaps still continue in that state." No judge, no case, no time, is named. Imputations on the judiciary of a country are too serious to be neglected. I have thought it my duty, therefore, to spare no endeavors to find what fact this censure was meant to be affixed. I have found that Judge Walton of Georgia, in the summer of 1783, the definitive treaty not yet signed in Europe, much less known and ratified here, sets aside a writ in the case of Thompson (a British subject) v. Thompson, assigning for reasons, 1st, "That there was no court in Georgia, as the Supreme Court of that State had not yet been appointed," but that 2d, "That the treaty had not yet been finally concluded; or 3d. If concluded, the treaty not known to, or ratified by, the Legislature; nor 4th. Was it in any manner ascertained how those debts were to be liquidated." With respect to the last reason, it was generally expected that some more specific arrangements, as to the manner of liquidating and times of paying British debts would accompany the definitive treaty. But, in the definitive treaty, No. 38, shows, that such arrangements were under contemplation. And the judge seems to have been of opinion that it was necessary the treaty should be definitively concluded, before it could become a law of the land, so as to change the legal character of an alien enemy, who cannot maintain any legal action, to one entitled to legal redress. And, if the provisional and definitive treaty, a subject of either party could maintain an action in the courts of the other (a question of no consequence, considering how short the interval was, and this, probably, the only action essayed) we must admit that, if the judge was right in his opinion, that a definitive conclusion was necessary, he was right in his consequence that it should be made known to the Legislature of the State, or, in other words, to the State; and that,
though notification, it was not a law authorizing a subject of England to sue a citizen of that State. The subsequent doctrine of the same judge, Walton, with respect to the treaties, when duly completed, that they are paramount to the laws of the several States, as he has shewn in his Charge, before inspectors of (Sec. 45,) will remove your doubts whether the principle still continues in that State, of the continuance of war between the two countries.

Sect. 49. The latter part of the quotation before made, merits notice also, to wit, where, after saying not a single instance exists of the recovery of a British debt, it is added, "though many years have expired since the establishment of peace between the two countries." It is evident from the preceding testimony, that many suits have been brought, and judgment obtained, on the former claims of creditors of the latter country, and it is important to determine that the courts would have sustained their actions and given them judgments. This abstinence on the part of the creditors has excited a suspicion that they wished rather to recur to the treasury of their own country; and to have color for this, they would have believed that there were obstructions here to bringing their suits. The testimony is not to the sole, though an opportunity to present such suits, if offered, has not been availed of. For, if presented, given us sooner, it is the more unexpected that the courts of the United States, whenever the creditors would choose that recourse, and would press, if necessary, to the highest tribunals, would be found open as to their suits, and as impartial to their subjects, as theirs to ours.

Sect. 50. There is an expression in your letter, page 7, that "British creditors have not been counseled or supported, either by the respective Legislatures, or by the State courts, in their endeavors to recover the full value of debts contracted antecedently to the treaty of 1783." In many of the States, the subjects of the crown, in endeavoring to obtain the restitution of their forfeited estates and property, have been treated with indignity. From which an inference might be drawn, which I am sure you did not intend, to wit: that the creditors have been deftered from resorting to the courts by popular tumults, and not protected by the laws of the country. I recollect to have heard of one or two attempts, by popular collections, to deter the prosecution of British claims. One of these is mentioned in No. 49. But these were immediately on the close of the war, while passions had not yet had time to subside, and while the ashes of our houses were still smoking. Since that, say for more than ten years, there has been no instance of the recovery of a British debt, or of the acknowledgment of their claim. There is no country, which is not sometimes subject to irregular interpositions of the People. There is no country, able at all times, to punish them. There is no country, which has less of this to reproach itself with, than the United States, nor any, where the laws have a more regular course, or are more habitually and cheerfully acquiesced in. Conviction of your judgment, and a subsequent satisfaction of you of this truth, I rely that the inference was not intended, which seems to result from these expressions.

Sect. 51. Some notice is to be taken, as to the great deficiencies in collection urged on behalf of the British merchants. The course of our commerce with Great Britain was ever for the merchant there to give his correspondent here a year's credit; so that we were regularly indebted from a year to a year and a half's amount of our exports. It is the opinion of judicious merchants, that it never exceeded the latter term, and that it did not exceed the former at the commencement of the war. At the holder then of a debt classed into, 1st. Those who were insolvent at that time. 2d. Those solvent then, who became insolvent during the operations of the war—a numerous class. 3d. Those solvent at the close of the war, but insolvent now. 4th. Those solvent at the close of the war, who have since paid or settled satisfactorily with their creditors—a numerous class also. These are the debts which in the above have been denominated "decided debts," the rest are "undecided debts." They last class, the only one now in question, is little numerous, and the amount of their debts but a moderate proportion of the aggregate which was due at the commencement of the war; insomuch, that it is the opinion, that we do not owe to Great Britain more than two or three years of our exports, or a year and a quarter's, the ordinary amount of the debt resulting from the common course of dealings.

Sect. 52. In drawing a comparison between the proceedings of Great Britain and the United States, you say, page 53, "The conduct of Great Britain, in all these respects, has been widely different from that which has been observed by the United States. In the courts of law of the former country, the citizens of the United States have experienced, without exception, the same protection and impartial distribution of justice, as the subjects of the crown. It is a part of the great advantage of our maritime intercourse, and of the judicial authority of our supreme judicature, where all error and partiality will be ultimately corrected. With this qualification, we have heretofore been in the habit of considering the administration of justice in Great Britain as extremely pure. With the same qualification, we have no fear to risk everything which a nation holds dear, on the assertion, that the British tribunals of justice hereafter will be found equally pure. When the citizens of either party complain of the judiciary proceedings of the other, they naturally present but one side of the case to view, and are, therefore, to be listened with caution. Numerous condemnations have taken place in your courts of vessels taken from us after the expiration of the terms of one and two months stipulated for, under 1733, on the part of the State of Massachusetts. We have heard it was also decided, by a jury at New York, to the amount of $53,000, sterling, lodged in the bank of England preposterous to the war. A judge of the King's bench lately declared, in the case of Greene, an American citizen, v. Buchanan and Clarrnock, British subjects, that a citizen of the United States, who had delivered 45,000, sterling worth of East India goods to a British subject at Basel, receiving only 15,000, in part payment, is not entitled to maintain an action for the balance in a court of Great Britain, though his debtor is found there, is in custody of the court, and acknowledges the fact. These cases appear strong to us. If your judges have done wrong in them, we expect redress. If right, we expect explanations. Some of them have already been laid before your court. The others will be so in due time. These, and such as these, are the smaller matters between the two nations, which, in my letter of December 15, I had the honor to intimate, that it would be better to refer for settlement through the ordinary channel of our ministers, than embarrass the present important discussions. Such cases will be constantly periodically, and the commission of the dealings of individuals, and will be easily adjusted by a readiness to treat on both sides, regardless of party.

Sect. 53. III. It is made an objection to the proceedings of our Legislative and Judicial bodies, that they have refused to allow interest to run on debts during the course of the war. The decision of the right, this rests with the Judiciary alone, neither the Legislative nor the Executive having any authority to intermediate. The administration of justice is a branch of the sovereignty over a country, and belongs exclusively to the nation inhabiting it. The Government has established in the United States, in which all participants are citizens, and are not subject to it. When a cause has been adjudged according to the rules and forms of the country, its justice ought to be presumed. Even error in the highest court which has been provided as the last means of correcting the errors of others, and whose decrees are, therefore, subject to no further revisal, is one of those inconveniences flowing from having a Government, which has every species of error in it, and none of which is more last resort, wherein controversies may end. Multiply bodies of revision as you please, their number must still be finite, and they must finish in the hands of fallible men as judges. If the error be evident, palpable, *et in re flagrante delicto, indeed, assumes another form; it excites presumption that it was no mere error, but a deliberate meditated wrong; and the foreigner, as well as native, suffering by the wrong, may reasonably complain, as for a wrong committed in any other way. In such case, there being no redress in the ordinary forms of the country, a foreign prince may often complain from his subjects injured by the adjudication, may inquire into its principles to prove their criminality, and, according to the magnitude of the wrong, take his measures of redress by redress, so to say, or by a refusal of right on his part. If the denial of interest, in our case, be justified by law, or even if it be against

* In a matter susceptible of no doubt.
law, but in that gross, evident, and palpable degree, which proves it to flow from the wickedness of the heart, and not of the head in the judgment, for just complaint, much less for a refusal of right, or self-interest, or purchase of advantage. The reasons on which the denial of such a restitution, and of such a just, sufficient interest, is chiefly founded are, sufficiently to justify the integrity of the judge, and even to induce a presumption that they might be extended to that of his science also, were that material to the present object.

Sec. 54. The treaty is the text of the law in the present case, and its words are, that there shall be no lawful im- 
pediment to the recovery of bona fide also, Nothing is said of interest on those debts; and the sole question is, whether, where a debt is given, interest thereon flows from the general principles of the law? Interest is not a part of the debt, and is a necessary term of the contract for the detention of it. This is the doctrine of all English lawyers themselves, who say, "Interest is recovered by way of damages ratione detentiorum debts." 2 Salk. 622, 623. Formerly, all interest was considered as unlawful, in every country of Europe; it is still so in Roman law. France, 10 Rec. 12. From the same cause, the law of nations, in all in- 

stances excepted. In France, particularly, the exceptions are those of minors, marriage portions, and annuities on the persons of sovereigns. So that law, therefore, does not allow of the recovery of interest, but restrains the discretion of judges and juries, as the arbiters of damages. Sometimes the judge has enlarged the interest to 20 per cent. per annum. [1 Chanc. Rep. 57.] In other cases, he fixes it, habitually, one per cent, lower than the legal rate, [2 T. Aik. 345.] and in a multitude of cases he refuses it altogether. As, for instance, no interest is allowed: 1.


And we may add, once more, that there is no instrument to title of debt, so formal and sacred, as to give a right to interest on it, under all possible circumstances—the words of Lord Mansfield, Doug. 758, where he says: "That the question was, what was to be the rule for assessing the damage, and that, in this case, the interest ought to be the measure of the damage, the action being for a debt but that, in such cases, the rule might be different; his words, Doug. 376. "That interest might be payable in cases of delay, if a jury, in such a case, think it necessary, shall think fit to allow it." And the doctrine in Giles v. Hart, 2 Salk. 622, that damages, or interest, are but an accessory to the debt, which may be barred by circumstances, which do not touch the debt itself, suffice to prove the loss sustained by the party. If no damage be in the mind of the creditors, if the debt is due at a certain time, the interest, do not give interest necessarily; that the interest depends altogether on the discretion of the judges and juries, who will govern themselves by all existing circumstances, will take the legal interest for the measure of their damages, more or less, as they think right; will be deducted from the contract, or from a year after, or deny it altogether, according as the fault or the sufferings of the one or the other party shall dictate. Our laws are, generally, an adoption of yours, and I do not know that any of the States have changed them in this particular. But there is one rule of your and our law, which, while it proves that every title of debt is liable to a disallowance of interest under special circumstances, is so applicable to our case, that I shall cite it as a text, and apply it to the circumstances of our case. It is laid down in Vin. Abr. Interest c. 7, and 2 Abr. Epil. 339, and elsewhere, in these words: "Where, by a general and national calamity, nothing is made out of lands, which are assigned for paying the public debts, so that is a ground upon which the court will not allow any interest during the time of such calamity." This is exactly the case in question. Can a more general national calamity be conceived, than that universal devastation which took place in many of these States during the war? Was it ever more exactly the case any where, that nothing was made out of the lands which were to pay the interest? The produce of those lands, for want of the opportunity of exporting it safely, was sold down for such prices as the market would allow, far less than a dollar the hundred weight. Imported arti- 
cles of clothing or consumption were from four to eight times their usual price. A bushel of salt was sold usually for 100lbs. of tobacco. At the same time, these lands, and other property, in which the money of the British creditor was vested, were paying high taxes for their own protection, and the debtor, as nominal holder, stood ultimate 
earer of their value to the creditor, who was the real proprietor, because they were bought with his money. And we who will estimate the value of this enjoyment, or say what would have been the forfeit, in a contrary event of the war? Who will say, that the risk of the property was not worth the interest of its price? General calamity, then, presented profit, and, consequently, stops here, which is in lieu of profit. The creditor says, indeed, he has laid out of his money; he has, therefore, lost the use of it. The debtor replies, that, if the creditor has lost, he has not gained it; that this may be a question between two parties, both of whom have lost. In that case, the courts will not double the loss of the one, to save all loss from the other. That it is a rule of natural, as well as municipal law, in that question "de damno evitando melior est condicio possidentis." If this maxim be just, where each party is equally innocent, how much more so, where the loss has been produced by the action of the creditor? For, a nation, as a society, forms a moral person, and every member of it is personally responsible for his society. It was the right of the State, or the right of all who participated in the profits of the money lent; he cannot, then, demand pro- fits which he either prevented from coming into existence, or burnt, or otherwise destroyed, after they were pro- duced. If, then, there be no instrument or title of debt so formal and sacred as to give right to interest under all possible circumstances, and if circumstances of exemption, stronger than in the present case, cannot possibly be found, to prevent the payment of interest, then, it is the consequence of circumstance, that the creditor must have done it three times, to answer its getting once to hand; for two out of three vessels were gene- rally taken by the creditor nation, and, sometimes, by the creditor himself, as many of them turned their trading vessels into privateers. Wherefore, the ship is burdened on for the amount of a debt, the laws of England oblige the debtor to seek his creditor wheresoever he is to be found within the realm—Coke Litt. 210, b. but he doth not. He doth not go out of the realm in search of him. This is our law too. The first act, generally, of the creditors and their agents, if they do not wish to withdraw from the United States with their books and papers, the creditor thus with- 

drawing from his debtor, either of necessity or otherwise, makes it like the case of a tender and refusal of money, after which, interest stops, both by your laws and ours. We see, too, from the letter of Mr. Adams, June 16, 1786, No. 57, that the British Secretary for Foreign Affairs, was sen-

*On account of the detention of the debt.
sible that a British statute, having rendered criminal all intercourse between the debtor and creditor, had placed the article of interest, on a different footing from the principal. And the letter of our plenipotentiaries to Mr. Hartley, in the 3d of April, 1787, from our authentic copy of Mr. Allen's in the 2d of April, No. 39, shows, that the omission to express the interest in the treaty, was not, merely, an oversight of the parties; that its allowance was considered by our plenipotentiaries as a thing not to be intended in the treaty, was declared against by Congress, and that declaration comm

* * *

itor they Allen, complaints to restore land, NGN restoration, to municated Hartley, WOT to communicated Sect. 1st. To recapture.

Sect. 55. The States have been uniform in the allowance of interest before and since the war, but not of that claimed during the war. Thus we know by [E. 1.] the case of Neate's executors v. Sands, in New York, and Mildred v. DorseY, in Maryland, that in those States, interest during the war is disallowed by the courts. By [D. 8.] 1784, Massachusetts also disallowed interest during the late war. That Connecticut left it to their court of chancery to determine the matter according to the rules of equity, or to leave it to reference; by [E. 2.] the case of Osborn v. Millim's executors, and [E. 3.] Hare v. Allen, explained in the letter of Mr. Rawle, attorney of the United States, No. 39. And by the letter of Mr. Lewis, judge of the district court of the United States, No. 60, that in Pennsylvania the rule is, that where neither the creditor nor any agent was within the State, no interest was allowed; where either remained, they gave interest. In all the other States I believe it is left discretionary in the courts and juries. In Massachusetts, the practice has varied. In November, 1784, they instruct their Delegates in Congress to ask the determination of Congress, whether they understood the word "debt" in the treaty as including interest? and whether it is their opinion, that interest during the war should be paid; and at the same time they pass [D. 9.] the act directing the courts to suspend rendered judgment for any interest that might have accrued between April 19, 1775, and January 30, 1785. But in 1787, when there was a general enumeration and application through all the United States, in order to see if that would produce a counter compliance, their Legislature passed the act repealing all laws repugnant to the treaty, No. 33, and their courts, on their part, changed their rule relative to interest during the war, which they have uniformly allowed since that time. The circuit court of the United States, at their sessions at —, in 1790, determined in like manner that interest should be allowed, the courts being unable to decide. So that in the whole, we see that, in one State interest during the war is given in every case; in another it is given wherever the creditor, or any agent for him, remained in the country, so as to be accessible; in the others, it is left to the courts and juries to decide according to their discretion and the circumstances of the case.

II. Before entering on the subject of debts, it was necessary—

1st. To review the British infracions, and refer them to their exact dates.

To show that the carrying away of the negroes preceded the 6th of May, 1783.

The word of evacuation, the upper posts with all convenient speed, no order had been received for the evacuation, August 10, 1783.

* * *

"If any one is in possession of another's land, so much belongs to the owner as the use of the land is worth, and so much to the possessor as his labor and care are worth."

"If things are to be restored by virtue of the peace, the profits are also to be restored from the day of the conquest."

* * *

"To whosoever a thing is conceded by the peace, to him also the profits are conceded, from the time of the concession, not back."

TO RECAPITULATE.

Sect. 56. I have, by way of preliminary, placed out of the present discussion all acts and proceedings prior to the treaty of peace, considering them as settled by that instrument, and that the state of things was adopted by the parties, as finally and as permanently as was practicable.

I have then taken up the subsequent acts and proceedings, of which you complain as intrusions, distributing them according to their subjects, to wit:

I. Exile and confiscations.

II. Debts.

III. Interest.

I. Exile and confiscations.

After promising, that these are lawful acts of war, I have shown that the 5th article was recommendatory only, its stipulations being, not to restore the confiscations and exiles, but to recommend to the State Legislatures to restore them:

That this word, having but one meaning, establishes the intent of the parties; and moreover, that it was particularly explained by the American negotiators, that the Legislatures would be free to comply with the recommendation or not, and probably would not comply:

That the British negotiators so understood it:

That the British ministry so understood it:

And the expressions of both Houses of Parliament, as well those who approved, as who disapproved the article.

I have shown, that Congress did recommend, earnestly and bona fide:

That the States refused or complied, in a greater or less degree, according to circumstances, but more of them, and in a greater degree, than was expected:

And that compensation, by the British treasury, to British sufferers, was the alternative of her own choice, our negotiators having offered to do that, if she would compensate such losses as we had sustained by acts unauthorized by the modern and moderate principles of war.

II. Before entering on the subject of debts, it was necessary—

1st. To review the British infracions, and refer them to their exact dates.

To show that the carrying away of the negroes preceded the 6th of May, 1783.

The word of evacuation, the upper posts with all convenient speed, no order had been received for the evacuation, August 10, 1783.
None had been received May 10, 1784.
None had been received July 13, 1784.
From whence I conclude none had ever been given,
And thence, that none had ever been intended.
In the latter case, this infraction would date from the signature of the treaty. But founding it on the not giving the same due sense as speed, it dates from April, 1783, when the order for evacuating New York was given, as there can be no reason why it should have been inconvenient to give this order as early.
The infraction, then, respecting the upper posts, was before the treaty was known in America.
That respecting the negros, was as soon as it was known.
I have observed that these infractions were highly injurious.
The first, by depriving us of our fair trade, profitable in itself, and valuable as a means of remittance for paying the debts; by intercepting our friendly and neighborly intercourse with the Indian nations, and consequently keeping us in constant, expensive, and barren war with them.
The second, by withdrawing the cultivators of the soil, the produce of which was to pay the debts.
2d. After fixing the date of the British infractions, I have shown:
That, as they preceded, so they produced the acts on our part complained of, as obstacles to the recovery of the debts.
That when one party breaks any stipulation of a treaty, the other is free to break it also, either in the whole, or in equivalent parts, at its pleasure.
That Congress having made no elections,
Four of the States assumed, separately, to modify the recovery of debts—
1. By indulging their citizens with longer and more practicable times of payment.
2. By liberating their bodies from execution, on their delivering property to the creditor, to the full amount of his demand, on a fair appraisement, as practised always under the elegit.
3. By admitting, during the first moments of the non-existence of coin among us, a discharge of executions, by payment in paper money.
That the first of these acts of retaliation, was in December, 1783, nine months after the infractions committed by the other party.
And all of them were so moderate, of so short duration, the result of such necessities, and so produced, that we might, with confidence, have referred them, alterius principis, quo boni viri, arbitrio.
3. That induced, at length, by assurances from the British court, that they would concur in a fulfilment of the treaty.
Congress, in 1787, declared to the States its will, that even the appearance of obstacle, raised by their acts, should no longer continue:
And required a formal repeal of every act of that nature; and to avoid question, required it as well from those who had not passed such acts; which was complied with so fully, that no such laws remained in any State of the Union, except one.
And even that one could not have forborne, if any symptom of compliance from the opposite party had rendered a required requisition from Congress important.
4. That, indeed, the requiring such a repeal, was only to take away pretext:
For, that it was at all times perfectly understood, that treaties controlled the laws of the States—
The confederation having made them obligatory on the whole:
Congress having so declared and demonstrated it:
The Legislatures and Executives of most of the States having admitted it:
And the Judiciaries, both of the separate and General Governments, so deciding.
That if it is declared open everywhere upon this principle:
That the British creditors have, for some time, been in the habit and course of recovering their debts at law:
That the class of separate and unsettled debts contracted before the war, forms now but a small proportion of the original amount:
That the integrity and independence of the courts of Justice in the United States, are liable to no reproach:
Nor have popular tumults furnished any ground for suggesting, that either courts or creditors are overawed by them in their proceedings.
III. Proceeding to the article of interest, I have observed:
That the decision, whether it shall or shall not be allowed during the war, rests, by our constitution, with the courts altogether.
That these courts have generally decided against the allowance, the reasons of their decision appear so weighty, as to clear them from the charge of that palpable degree of wrong, which may authorize national complaint, or give a right of refusing execution of the treaty, by way of reprisal.
To vindicate them, I have stated shortly, some of the reasons which support their opinion.
That interest during the war, was not expressly given by the treaty:
That the revival of debts did not, ex vi termini, give interest on them:
That interest is not a part of the debt, but damages for the detention of the debt:
That it is declared habitually in most countries:
Yet has never been deemed a ground of national complaint against them:
That in England also, it was formerly unlawful in all cases:
That at this day it is denied there, in such a variety of instances, as to protect from it a great part of the transactions of life:
That, in fact, there is not a single title to debt, so formal and sacred, as to give a right to interest, under all possible circumstances, either there or here:
That of these circumstances, judges and jurors are to decide, in their discretion, and are accordingly in the habit of augmenting, diminishing, or refusing interest, in every case, according to their discretion:
That the circumstances against the allowance, are unquestionably of the strongest in our case:
That a great national calamity rendering the lands unproductive, which were to pay the interest, has been adjudged sufficient spee, to suspend interest:
That, were both plaintiff and defendant equally innocent of that cause,
The question, who should avoid loss? would be in favor of the party in possession:
And, a fortiori, in his favor, where the calamity was produced by the act of the demandant.
Moreover, the laws of the party creditor had cut off the peculiar access of his debtor,
And the transportation of his produce or money to the country of the creditor, or to any other for him:
And where the creditor prevents payment both of principal and interest, the latter, at least, is justly extinguished.
That the departure of the creditor, leaving no agent in the country of the debtor, would have stopped interest of itself,
The debtor not being obliged to go out of the country to seek him.
That the British minister was heretofore sensible of the weight of the objections to the claim of interest:
That the declarations of Congress and our plenipotentiaries, previous to the definitive treaty, and the silence of that instrument, afford proof that interest was not intended on our part, nor insisted on, on the other:
That, were we to admit interest on money, to equal favor with profits on land, arrears of profits would not be demandable in the present case, nor consequently arrear of interest:
And, on the whole, without undertaking to say what the law is, which is not the province of the Executive,
We say, that the reasons of those judges, who deny interest during the war, appear sufficiently cogent—
To account for their opinion on honest principles:
To exempt it from the charge of palpable and flagrant wrong, in re minime dubia:
And to take away all pretense of withholding execution of the treaty, by way of reprisal for that cause.

Sect. 57. I have now, sir, gone through the several acts and proceedings enumerated in your appendix, as infractions of the treaty, omitting, I believe, not a single one, as may be seen by a table hereto subjoined; wherein every one of them, as mentioned in your letter, is referred to the section of this letter in which it is brought into view; and the result has been, as you have seen—

1. That there was no absolute stipulation to restore antecedent confiscations, and that none subsequent took place.
2. That the recovery of the debts was obstructed validly in none of our States, invalidly only in a few, and that not till long after the infractions committed on the other side; and
3. That the decisions of courts and juries against the claims of interest are too probably founded to give cause for questioning their integrity. These things being evident, I cannot but flatter myself, after the assurances received from you of his Britannic Majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day: that it is to be done so late has been the source of heavy losses, of blood, and trouble, to the United States, and the desire of friendly accommodation is, I am persuaded, constant. No "lawful impediment has been opposed to the prosecution of the just rights of your citizens." And if any instances of unlawful impediment have existed in any of the inferior tribunals, they would, like other unlawful proceedings, have been overruled on appeal to the higher courts. If not overruled there, you may be assured the Government would have been regular, and their interference probably effectual. If your citizens would not prosecute their rights, it was impossible they should recover them, or be denied recovery; and till a denial of right through all the tribunals, there is no ground for complaint, much less for a refusal to comply with solemn stipulations, the execution of which is too important to us ever to be dispensed with. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than he, who has the honor to be, &c.

TH: JEFFERSON.

His Excellency George Hammond, Minister, &c.

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Appendix No. 1.

An act for the better securing and preserving his Majesty's dockyards, magazines, ships, ammunition, and stores.
See 1 Journal Congress, 68. "Persons charged with committing any offence therein described, in any place out of the realm, may be tried any where within the realm, whereby inhabitants of these colonies may, in sundry cases, by that statute made, be deprived of a trial by peers of the vicinage."—1772, 15 G. III. c. 14.
An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, loading or shipping, of goods, wares, and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, in North America.—1774, 14 G. III. c. 19.
An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of the Massachusetts Bay, in New England.—c. 39.
An act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island and Providence Plantations, in North America, to Great Britain, Ireland, and the British islands in the West Indies, and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfound land, or other places therein mentioned, under certain conditions and limitations.—1775, 15 G. III. c. 10.
An act to amend and render more effectual in his Majesty's dominions in America, an act, passed in the present session of Parliament, entitled an act for punishing mutiny and desertion, and for the better payment of the army, and their quarters, and for extending the provisions of the said act to his Majesty's marine forces in America.—c. 19. 1776, 16 G. III. c. 5.
An act to prohibit the further trade and intercourse with the colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion, with the said colonies, respectively; for repealing an act made in the 14th year of the reign of his present Majesty, to discontinue the landing and discharging of goods, and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, and also two acts made in the last session of Parliament for restraining the trade and commerce of the colonies, in the said acts respectively mentioned, and to enable any person or persons appointed and authorized by his Majesty to grant pardons, to issue proclamations in the cases and for the purposes therein mentioned.—1776, 16 G. III. c. 5.
An act for enabling the commissioners for executing the office of lord high admiral of Great Britain to grant commissions to the commanders of private ships and vessels employed in trade, or retained in his Majesty's service, to take and make prize of such ships as Stevens, near their cargoes, as are therein mentioned, for a limited time.—c. 7.
An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.—1777, 17 G. III. c. 9.
No. 2.

166 G. III. C. 5 & 4. "And be it further enacted by the authority aforesaid. That it shall and may be lawful to and for the said flag officers, captains, and commanders, respectively, to cause to be taken or put on board any of his Majesty's ships or vessels of war, or on board any other ships or vessels, all and every the masters, crews, and other persons, who shall be found on board such ship or ships as shall be seized and taken as prize aforesaid, and also to enter the names of such of the said mariners and crews, upon any book or books of his Majesty's said ships or vessels, as they the said flag officers, captains, and commanders, shall respectively think fit; from the time and times of which said entries, respectively, the said mariners and crews shall be considered, and they are hereby declared to belong to, and be as much in the service of, his Majesty, to all intents and purposes, as if the said mariners and crews had entered themselves voluntarily to serve on board his Majesty's said ships and vessels respectively; and also, that it shall and may be lawful to and for the said flag officers, captains, and commanders, respectively, to detain, or cause to be detained, and kept, the masters and other persons, and also such others of the mariners and crews of the said prize ships as shall not be entered upon the books of his Majesty's ships or vessels of war as aforesaid, in and on board any ship or ships, vessels or vessels, whatsoever, until the arrival of such last mentioned ships or vessels in some port in Great Britain or Ireland, or in any port of America, not in rebellion; and upon the arrival of those ships or vessels in any such port, the commanders thereof are hereby respectively authorized and required immediately to set the said last mentioned mariners and crews, and also the said masters and other persons, at liberty on shore there.

No. 3.

New York, March 19, 1783.

Sir:

By the Halifax packet, we have received a despatch from Mr. Townsend, one of his Majesty's principal Secretaries of State, dated the 31st of December, 1782, enclosing a treaty signed at Paris, on the 50th of November, by which we are directed to transmit to Congress. Having been thrown, sir, into the course of making all communications to Congress, through your Excellency, we know not how, with more propriety, to make the communication required, than through the accustomed channel; we therefore enclose, in the present letter, this instrument, and are to request of your Excellency, that you will, in the most speedy manner, forward the same to Congress. We are, sir, &c.

GUY CARLETON.
ROBT. DIGBY.

His Excellency Gen. Washington.

No. 4.

Extract of a letter from Sir Guy Carleton to Robert R. Livingston, Esq. dated

New York, March 30, 1783.

Sir:

I have received your letter of the 24th instant, enclosing a resolution of Congress of the same date, taken in consequence of the arrival of the cutter Triomphie, commanded by Lieutenant Duquesne, with orders of the 16th of February last, given at Cadiz, by Vice Admiral D'Estaing, for him to put to sea, and cruise on such stations as he shall judge most likely to meet with ships of his nation, and inform them of the happy reconciliation of the belligerent Powers, and to order all their ships of war to cease hostilities against those of Great Britain, the preliminary articles of a general peace being signed the 29th of January; you, thereof, are pleased to express your expectation, that I would think the information thus conveyed "sufficiently authentic to justify my taking immediate measures to stop the further effusion of blood."

To adopt a measure of this importance, it is necessary I should receive orders from home, which I may reasonably expect every hour, as a cruiser, sent out on other purposes, is already arrived at Philadelphia; and I assure you, sir, I only wait the official certainty of this great event, to assume the language, and the spirit, too, of the most perfect conciliation and peace.

No. 5.

Copy of a letter from Admiral Digby to Robert R. Livingston, Esq.

New York, March 27, 1783.

Sir:

I have received your letter, enclosing me the resolve of Congress, with a copy of a letter to his Excellency Sir Guy Carleton; but, as I have, as yet, received no official accounts from England, I must wait till you, on your side, relieve our prisoners, before I give that general relief to yours I so much wish. There can be no reason for detaining our prisoners one moment, as Congress must suppose the peace signed. I shall take every precaution in my power, consistent with my duty, to stop any further mischief upon the seas, but should recommend the preventing any vessels sailing, as I have not yet received sufficient authority to enable me to withdraw my cruisers.

I am, &c.

ROBT. DIGBY.

No. 6.

Appendix.

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Act compelling creditors to take the debtor's land, at an appraised value.

Paper money made a legal tender.

Act to confiscate, and sequester estates, and banish persons of certain descriptions.

Paper money made a legal tender.

Act to confiscate, sequester, and banish, as before, Oct. 1775.

Act to punish traitors, and disaffected persons.

Paper money made a legal tender.

Act for sequestering British property; enabling those indebted to British subjects to pay off such debts.

Act for confiscating the property of all such persons as are inimical to the United States.

Act for establishing courts of law, and for regulating the proceedings therein—sect. 101.
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<tbody>
<tr>
<td>A. 2</td>
<td>1778, February 3</td>
<td>Act to prevent return of certain persons therein named, and others who had left that State, or either of the United States, and joined the enemies thereof.</td>
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<td>15</td>
<td>Act to confiscate, sequester, and banish, as October, 1775.</td>
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<td>Act declaring estates of certain persons afflicted, and themselves incapable of being elected to any office.</td>
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<td>14</td>
<td>Act for the attainment of divers traitors, and for vesting their estates in the commonwealth, if they render not themselves by a certain day.</td>
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<td>11</td>
<td>Act for taking charge of, and leasing, the real estates, and for forfeiting personal estates of certain fugitives and offenders.</td>
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<td>12</td>
<td>Act to confiscate estates of sundry persons therein named.</td>
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<td>13</td>
<td>Act for forfeiting to, and vesting in, the State, the real estates of certain fugitive offenders.</td>
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<td>11</td>
<td>Act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now State of Massachusetts Bay.</td>
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<td>Act to carry into effect the act of November, 1777, for confiscating, &amp;c.</td>
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<td>Act to confiscate, sequester, and banish, as before, in Oct. 1775.</td>
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<td>Act concerning escheats and forfeitures from British subjects.</td>
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<td>Act to amend the act concerning escheats, &amp;c.</td>
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<td>Act for the removal of the seat of government.</td>
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<td>Act for the forfeiture and sales of the estates of persons who have adhered to the enemies of the State.</td>
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<td>Act to amend the act concerning escheats and forfeitures.</td>
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<td>Act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America.</td>
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<td>Act for the immediate sale of part of the confiscated estates.</td>
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<td>Act approving the act of Congress, relative to finance of the United States, and making provision for redeeming that State's proportion of bills of credit.</td>
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<td>Act to confiscate, sequester, and banish, as in October, 1775.</td>
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<td>Act to procure a sum of specie, for the purpose of redeeming the bills emitted, &amp;c.</td>
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<td>Act for calling out of circulation the quota of the State, of the bills of credit issued by Congress—sect. 11.</td>
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<td>Act to seize, confiscate, and appropriate, all British property within the State.</td>
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<td>Act to appoint commissioners to preserve confiscated British property.</td>
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<td>Act to procure a loan, and for the sale of escheat lands, and the confiscated British property therein mentioned.</td>
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<td>Act to confiscate, sequester, and banish, as in October, 1775.</td>
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<td>Act to adjust and regulate pay and account of officers of Virginia line.</td>
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<td>Act for directing the mode of adjusting and settling the payment of certain debts and contracts.</td>
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<td>Act for disposing of certain estates, and banishing certain persons therein mentioned.</td>
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<td>Act to prevent suits on certain debts, for a limited time.</td>
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<td>Act for infringing penalty on, and confiscating the estates of, such persons as are therein declared guilty of treason, and for other purposes therein mentioned.</td>
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<td>Act for providing more effectual funds for redemption of certificates.</td>
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<td>Act to repeal so much of former act, as suspends the issuing execu- tions upon certain judgments, until December, 1783.</td>
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<td>Act for the benefit of the children of Major Andrew Leitch.</td>
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<td>Act, as confiscate, sequester, and banish, as in October, 1775.</td>
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<td>Act supplemental to the act of October 4, 1776, to punish traitors and disaffected persons.</td>
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<td></td>
<td></td>
<td>Act to amend an act, entitled &quot;An act to repeal so much of a former act as suspends the issuing executions on certain judgments, till December, 1783.&quot;</td>
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**November 30.** The provisional articles between the United States and Great Britain are signed at Paris.

**January 20.** Preliminary articles, between France and Great Britain are signed at Paris; also, epochs fixed for cessation.

**1783.**

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<tr>
<td>C. 15</td>
<td>January 31</td>
<td>Act to attain H. Gordon, unless he surrender himself before a given day, (July 34, 1783,) and the seizure of his estates, by the agent of forfeited estates, confirmed.</td>
</tr>
<tr>
<td>17</td>
<td>February 17</td>
<td>Act to point out the mode for the recovery of property unlawfully acquired under the British usurpation, and withheld from the right owners, and for other purposes.</td>
</tr>
<tr>
<td>A. 4</td>
<td>{ Feb. May, June, } October,</td>
<td>Act to confiscate, sequester, and banish, as in October, 1775. [This, of October, 1783, is the same, probably, as C. 14.]</td>
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**March 15.** The provisional articles are in Oswald's paper, Philadelphia.

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<td>29</td>
<td>March 16</td>
<td>To amend the act of February 26, 1782.</td>
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<td>C. 16</td>
<td>March 17</td>
<td>Act for granting a more effectual relief, in cases of certain trespasses.</td>
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<tr>
<td>18</td>
<td>March 21</td>
<td>Act for suspending the prosecutions therein mentioned.</td>
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</table>
GENTLEMEN: You may remember, that, from the very first beginning of our negotiation for settling a peace between Great Britain and America, I insisted, that you should positively stipulate for the restoration of the property of all those persons under the denomination of the loyalists, or refugees, who have taken part with Great Britain in the present war; or, if the property had been resold, and passed into such a variety of hands as to render the restoration impracticable, (which you asserted to be the case in many instances) you should stipulate for a compensation, or indemnification, to those persons, adequate to their losses. To those propositions you said you could not accede. Mr. Strachey, since his arrival at Paris, has most strenuously joined me in insisting upon the said restitution, compensation, or indemnification, and in laying before you every argument in favor of those demands, founded upon national honor, and upon the true principles of justice.

These demands you must have understood to extend, not only to all persons of the above mentioned description who have fled to Europe, but, likewise, to all those who may be now in any parts of North America, dwelling under the protection of his Majesty's arms, or otherwise.

We have also insisted upon a mutual stipulation for a general amnesty on both sides; comprehending, thereby, an enlargement of all persons who, on account of offences committed, or supposed to be committed, since the commencement of hostilities, may be now in confinement, and for an immediate release possession of their properties, and peaceable enjoyment thereof, under the government of the United States. To this you have not hitherto given a particular or direct answer.

It is, however, incumbent upon me, as commissioner of the King of Great Britain, to repeat those several demands, and, without going over those arguments upon paper, which we have so often urged in conversation, to press your immediate attention to these subjects, and to urge you to enter into proper stipulations for the restitution, compensation, and amnesty, above mentioned, before we proceed further in this negotiation.

I have the honor to be, &c. RICHARD OSWALD.

To J. Adams, B. Franklin, and J. Jay, Esqrs.
Commissioners from the thirteen United States of America, for treating of peace between the said States and the King of Great Britain.

No. 8.

SIR: In answer to the letter you did us the honor to write on the 4th instant, we beg leave to repeat what we often said in conversation, viz: that the restoration of such of the estates of the refugees as have been confiscated, is impossible, because they were confiscated by laws of particular States, and, in many instances, have passed, by legal titles, through several hands. Besides, sir, as this is a matter evidently appertaining to the internal polity of the separate States, the Congress, by the nature of our constitution, have no authority to interfere with it.

As to your demand of compensation to those persons, we forbear enumerating our reasons for thinking it ill-founded: In the moment of conciliatory overtures, it would not be proper call certain scenes into view, over which a variety of considerations should induce both parties at present to draw a veil. Permit us, therefore, only to repeat, that we cannot stipulate for such compensation, unless, on your part, it be agreed to make retribution to our citizens for the heavy losses they have sustained, by the unnecessary destruction of private property.

We have already agreed to an amnesty more extensive than justice required, and full as extensive a humanity could demand; we can, therefore, only repeat, that it cannot be extended farther. We should be sorry if the absolute impossibility of our complying further with your propositions, should induce Great Britain to continue the war for the sake of those who caused and prolonged it; but if that should be the case, we hope that the utmost latitude will not be again given to its rigors.

Whatever may be the issue of this negotiation, be assured, sir, that we shall always acknowledge the liberal, manly, and candid manner in which you have conducted it, and that we shall remain with the warmest sentiments of esteem and regard, sir, yours, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

To Richard Oswald, Esq.
His Britannic Majesty's Commissioner for treating of peace with the Commissioners of the United States of America.

No. 9.

Extract from Mr. Adams' Journal respecting Peace.

MONDAY, November 11, 1782.

Mr. Whitefoord, the Secretary of Mr. Oswald, came a second time. We fell soon into politics. I told him the French minister at Philadelphia had made some representations to Congress in favor of a compensation to the royalists, and the Count de Vergennes, no longer than yesterday, said much to me in their favor. The Count professedly knew, that we are instructed against it; that Congress are instructed against it, or rather have no constitutional authority to do it; that we can only write about it to Congress, and they to the States, who may, and probably will, deliberate upon it eighteen months before they all decide, and then every one of them will determine against it.

FRIDAY, November 15, 1782.

Mr. Oswald came to visit me, and entered, with some freedom, into conversation. He said he had been reading Mr. Paine's answer to the Abbé Raynal, and found there an excellent argument in favor of the Tories. Mr. Paine says, that before the battle of Lexington, we were so blindly prejudiced in favor of the English, and so closely attached to them, that we went to war at any time, and for any object, when they led us. Now this being habitual to the Americans, it was excusable in the Tories, to behave upon this occasion, as all of us had ever done upon all others. He said if he were a member of Congress, he would show a magnanimity upon this occasion, and would say to the refugees, take your property—we scorn to make any use of it in building up our system. I replied, that we had no power, and Congress had no power, and therefore we must consider how it would be reasoned upon in the several Legislatures of the separate States, if, after being sent by us to Congress, and by them to the several States, in the course of twelve or fifteen months it should be there debated. You must carry on the war six or nine months, certainly for this compensation, and consequently spend, in the prosecution of it, six or nine times the sum necessary to make the compensation: for I presume, this war costs every month to Great Britain, a larger sum than would be necessary to pay for the forfeited estates.

England means, by insisting on our compensating these worst of enemies, to obtain from us a tacit acknowledgment of the right of the war, an implicit acknowledgment that the Tories have been justifiable, or at least excusable, and that we, only by a fortunate coincidence of events, have carried a wicked rebellion into a complete revolution.
At the very time when Britain professes to desire peace, reconciliation, perpetual oblivion of all past unkindnesses, can she wish to send in among us, a number of persons, whose very countenances will bring fresh to our remembrance the whole history of the rise and progress of the war? In order to oblige us to lay taxes upon those whose habits have been consumed, to reward those who have burned them? Upon those whose property has been stolen, to reward the thieves? Upon those whose relations have been cruelly destroyed, to compensate the murderers?

**Sunday, November 17, 1782.**

Mr. Vaughan came to me yesterday, and said, Mr. Oswald had that morning called upon Mr. Jay, and told him, if he had known as much the day before, as he had since learned, he would have written to go home. Mr. V. said, Mr. Fitzherbert had received a letter from Lord Towshend, that the compensation would be insisted on. Mr. Oswald wanted Mr. Jay to go to England—thought he could convince the ministry. Mr. Jay said he must go with or without the knowledge and advice of the court, and in either case it would give rise to jealousies. He could not go. Mr. Vaughan said he had determined to go, on account of the critical state of his family, his wife being probably a -briet; he should be glad to converse freely with me, and obtain from me all the lights and arguments that will support the Tories, even the history of their worst actions; that in case it should be necessary to run them down, it might be done, or at least expose them: for their true history was little known in England. I told him, I must be excused; it was a subject that I had never been desirous of obtaining information upon; that I pitied those people, to be willing to aggravate their sorrows and sufferings, even of those who had deserved the worst. It might not be amiss to reprint the letters of Bernard, Hutchinson, and Oliver, to show the rise. It might not be amiss to read the history of Wyoming, in the Annual Register for 1778 or 9, to recollect the prison ships, and the churches at New York, before the prisoners at Fort Washington were starved, in order to make them enlist in refugee corps; it might not be amiss to recollect the burning of cities, and the thefts of plate, negroes, and tobacco.

I entered into the same arguments with him that I had used with Mr. Oswald, to show that we could do nothing, Congress finishing; the time it would take to consult the States, and the reasons to believe, that all of them would at last vote against it. I showed him that it would be a religious question with some; a moral one with others, and a political one with more; an economical one with very few. I showed him the ill effect which would be produced upon the American mind by this measure; how much it would contribute to perpetuate alienation against England, and how French emissaries might, by means of these men, blow up the flames of animosity and war. I showed him how the whig interest and the opposition might avail themselves of this subject in Parliament, and how they might embarrass the minister.

He went out to Passy for a report, and in the evening called upon me again; he said he found Mr. Franklin’s sentiments to be the same with Mr. Jay’s and mine, and hoped he should be able to convince Lord Shelburne; he was pretty confident it would work right; the ministry, and nation were not informed upon the subject. Lord Shelburne had told him that no part of his office gave him so much pain as the levee he held for these people, and hearing their stories of their families and estates, their losses, sufferings, and distresses. Mr. Vaughan said he had picked up here a good deal of information about these people, from Mr. Allen and other Americans.

**Friday, November 29, 1782.**

Met Mr. Fitzherbert, Mr. Oswald, Mr. Franklin, Mr. Jay, Mr. Laurens, and Mr. Strachey, at Mr. Jay’s Hotel d’Orleans, and spent the whole day in discussions about the fishery and the Tories. I proposed a new article concerning the fishery, it was discussed, and turned in every light. Mr. Fitzherbert said, the arguments in your favor too much,confess; your reasons appear to be good; but Oswald’s instructions were such, that he did not see how he could agree with us. I replied to this—the time is not so pressing upon us, but that we can wait till a courier goes to London with your representations upon this subject, and others that remain between us, and I think the ministers must meet.

Mr. Fitzherbert said, to send again to London, and have all laid loose before Parliament, was so uncertain a measure, it was going to sea again.

Upon this, Doctor Franklin said, that, if another messenger was to be sent to London, he ought to carry something more respecting a compensation to the sufferers in America. He produced a paper from his pocket, in which he had drawn a claim upon, and said he the first principle of the treaty was equality and reciprocity. Now they demanded of us payment of debts, and restitution or compensation—this was a demand they could not make, and that it was not in his power, and after bringing his action for the debt, would any court of law or equity give him his demand, without obliging him to restore the cloth? Then he stated the carrying off of goods from Boston, Philadelphia, and the Carolinas, Georgia, Virginia, &c. and the burning of the towns, &c. and desired that this might be sent with the rest.

Upon this, I recounted the history of General Gage’s agreement with the inhabitants of Boston, that they should remove with their effects, upon condition that they would surrender their arms; but as soon as the arms were secured, the goods were forbid to be carried out, and were finally carried off in large quantities to Halifax. Doctor Franklin mentioned the case of Philadelphia, and the carrying off of effects there—even his own library. Mr. Jay mentioned several other things, and Mr. Laurens added the plundered in Carolina, of negroes, plate, &c.

After hearing all this, Mr. Fitzherbert, Mr. Oswald, and Mr. Strachey retired for some time, and returning, Mr. Fitzherbert said, that upon consulting together, and weighing every thing as maturely as possible, Mr. Strachey and himself had determined to advise Mr. Oswald to strike with us according to the terms we had proposed as our ultimate, respecting the fishery and the loyalists. Accordingly, we all sat down and read over the whole treaty, and corrected it, and agreed to meet to-morrow at Mr. Oswald’s house, to sign and seal the treaties, which the secretaries were to copy fair in the mean time.

**Saturday, November 30, St. Andrew’s Day.**

We met first at Mr. Jay’s, then at Mr. Oswald’s, examined and compared the treaties. Mr. Strachey had left out the limitation of time, the twelve months, that the refugees were allowed to reside in America, in order to recover their estates, if they could. Doctor Franklin said this was a surprise upon us. Mr. Jay said so too; we went to the latter to be the same with Mr. Oswald’s, and they insisted upon putting it in, which was done. Then the treaties were signed, sealed, and delivered.

No. 10.

Extracts of letters from Doctor Franklin to the Honorable R. R. Livingston, Esq. Secretary for Foreign Affairs.

Passy, October 14, 1782.

Something has been mentioned about the refugees and English debts, but not insisted on, as we declared at once that, whatever confinements had been made in America, being in virtue of the laws of particular States, the Congress had no authority to repeal those laws, and, therefore, could give us none to stipulate for such repeal.
The British ministers struggled hard for two points: that the favors granted to the royalists should be extended, and our fisheries contracted. Accordingly, by the time they arrived, they had already procured an account of the mischief done by those people; and, as to the second, when they told us they could not possibly agree to it as we required it, and must refer it to the ministry in London, we produced a new article, to be referred at the same time, with a note of facts in support of it, which you have, No. 3. Apparently, it seemed, that, to avoid the discussion of this, they certainly changed their minds, drop the design of recurring to London, and agreed to allow the fishery as demanded.

Extract of a letter from Doctor Franklin to Richard Oswald, Esq.

PASSY. December 5, 1782.

SIR:
You may well remember, that, in the beginning of our conferences, before the other commissioners arrived, on your mentioning to me a retribution for the loyalists, whose estates had been forfeited, I acquainted you that nothing of that kind could be stipulated by us, the confessions being made by virtue of laws of parturition, States, which time had no power to contravene or dispense with, and, therefore, could give us no such authority in our commission. And I gave it as my opinion and advice, honestly and cordially, that, if a reconciliation was intended, no mention should be made, in our negotiations, of those people: for, they having done infinite mischief to our properties, by wantonly burning and destroying farm houses, villages, and towns; if compensation for their losses were insisted on, we should certainly exhibit against it an account of all the ravages they had committed, which would necessarily recall to view scenes of barbarity that must inflame, instead of conciliating, and tend to perpetuate an enmity that we all profess a desire of extinguishing. Understanding, however, from you, that this was a point your ministry had at heart, I wrote concerning it to Congress, and I have lately received the following resolution, viz:

"By the United States, in Congress assembled. September 10, 1782.

"Resolved, That the Secretary for Foreign Affairs be, and he is hereby, directed to obtain, as speedily as possible, authentic returns of the slaves, and other property, which have been carried off or destroyed, in the course of the war, by the enemy, and to transmit the same to the ministers plenipotentiary for negotiating peace.

"Resolved, That, in the mean time, the Secretary for Foreign Affairs inform the said ministers, that many thousands of slaves, and other property, to a very great amount, have been carried off or destroyed by the enemy; and, that, in the opinion of Congress, the great loss of property which the citizens of the United States have sustained, by the enemy, will be considered by the several States as an insuperable bar to their making restitution, or indemnification, to the former owners of property, which has been or may be forfeited to, or confiscated by, any of the States."

In consequence of these resolutions, and the circular letters of the Secretary, the Assembly of Pennsylvania, then sitting, passed the following act, viz:

"An act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania, from the troops and adherents of the King of Great Britain, during the present war."

We have not yet had time to learn what has been done by the other Assemblies, but I have no doubt that similar acts will be made by all of them, and that the mass of evidence produced by the execution of those acts, not only of the enormities committed by those people, under the direction of British generals, but of those committed by the British troops themselves, will form a record that must render the British name odious in America to the latest generations. In that authentic record will be found, the burning of the fine towns of Charleston near Boston, of Falmouth just before winter, when the sick, the aged, the women, and children, were driven to seek shelter where they could hardly find it; of Norfolk, in the midst of winter of New London, of Fairfield, of Esopus, &c. &c. besides hundreds and fifties of well settled country laid waste, every house and barn burnt, and many hundred of farmers, with their wives and children, butchered and scalped.

The present British ministers, when they reflect a little, will certainly be too equitable to suppose, that their nation has a right to make an unjust war, (which they have always allowed this against us to be) and to do all sorts of unnecessary mischief, unjustifiable by the practice of any civilized People, which those who make war with are to suffer, without claiming any satisfaction; but that if Britons, or their adherents, are in return deprived of any property, it is to be restored to them, or they are to be indemnified. The British troops can never excuse their barbarity. They were unprompted. The loyalists may say, in excuse of theirs, that they were exasperated by the loss of their estates, and if they had had their revenge. Is it right they should have lost?

Some of these people may have a merit with regard to Britain; those who espoused her cause from affection; these it may become you to reward. But there are many of them who were waverers, and were only determined to engage in it by some occasional circumstances or appearances; they have not much of either merit or demerit, and there are others who have abundance of demerit, respecting your country, having by their falsehoods and misrepresentations, brought on and encouraged the continuance of the war. These, instead of being recompensed, should be punished.

It is usual among Christian people at war, to profess always a desire of peace. But if the ministers of one of the parties choose to insist particularly on a certain article which they have known the others are not and cannot be empowered to agree to, what credit can they expect should be given to such professions?

Your ministers require that we should receive again into our bosom, those who have been our bitterest enemies, and restore their properties who have destroyed ours; and this, while the wounds they have given us are still bleeding. It is many years since your nation expelled the Stuarts and their adherents, and confiscated their estates. Much of your resentment against them may by this time be abated; yet, if we should propose it, and insist on it as an article of our peace, that the family of those that have burnt and destroyed, and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace?

I must repeat my opinion, that it is best for you to drop all mention of the refugees. We have proposed indeed nothing but what we think best for you as well as ourselves. But if you will have them mentioned, let it be in an article which may provide, that they shall exhibit accounts of their losses, to commissioners hereafter to be appointed, who shall examine the same, together with the accounts now preparing in America, of the damages done by them, and state the account, and that, if a balance appears in their favor, it shall be paid by us to you, and by you divided among them, as you shall think proper. And if the balance is found due to us, it shall be paid by you.

Give me leave, however, to advise you to prevent the necessity of so dreadful a discussion, by dropping the article, that we may write to America, and stop the inquiry.

I have the honor to be, &c.

B. FRANKLIN.
FOREIGN RELATIONS.

ARTICLE V.—(proposed.)

It is agreed that his Britannic Majesty will earnestly recommend it to his Parliament to provide for, and make compensation to, the merchants and shopkeepers of Boston, whose goods and merchandise were seized and taken out of the stores, warehouses, and shops, by order of General Gage, and others of his commanders or officers there; and also to the inhabitants of Philadelphia, for the goods taken away by his army there; and to make compensation also for the tobacco, rice, indigo and negroes, &c. seized and carried off by his armies under Generals Arnold, Cornwalis, and others, from the States of Virginia, North and South Carolina, and Georgia; and also for all vessels and cargoes belonging to the inhabitants of the said United States, which were stoped, seized, or taken, either in the ports or on the seas, by his Governors, or by his ships of war, before the declaration of war against the said States.

And it is further agreed that his Britannic Majesty will also earnestly recommend it to his Parliament to make compensation for all the towns, villages, and farms, burnt and destroyed by his troops or adherents in the said United States.

FACTS.

There existed a free commerce, upon mutual faith, between Great Britain and America. The merchants of the former credited the merchants and planters of the latter with great quantities of goods, on the common expectation that the merchants, having sold the goods, would make the accustomed remittances; that the planters would do the same by the labor of their negroes, and the produce of that labor, tobacco, rice, indigo, &c.

England, before the wars, had sold in their ships so much goods, that, at a fair price, they brought them, and carries them off; siezes those goods in the stores, some every one of his ships that brought them, and makes them again; and the negroes, from whose labor they might hope to raise produce for that purpose.

Britain now demands that the debts shall nevertheless be paid.

Will she, can she, justify refusal making compensation for such seizures?

If a sealer who had sold a piece of linen to a neighbor, on credit, should follow him, take the linen from him by force, and then send a bailiff to arrest him for the debt, would any court of law or equity award the payment of the debt, without ordering restitution of the cloth?

Will not the debtors in America cry out that, if this compensation be not made, they were betrayed by the pretended credit, and are now doubly ruined—first by the enemy, and then by the negotiators at Paris; the goods and negroes sold them being taken from them, with all they had besides, and they are now to be obliged to pay for what they have been robbed of.

No. 11.

Extracts from Dr. Franklin's Journal of Negotiations for peace with Great Britain.

Mr. Oswald also gave me a copy of a paper of memorandums written by Lord Shelburne, viz:—

That an establishment for the loyalists must always be upon Mr. Oswald's mind, as it is uppermost in Lord Shelburne's, besides other steps in their favor, to influence the several States to agree to a fair restoration or compensation for whatever confiscations have taken place.

As to the loyalists, repeated what I had said to him when first here, that their estates had been confiscated by the laws made in the particular States where the delinquents had resided, and not by any law of Congress, who indeed had no power either to make such laws, or to repeal them, or to dispense with them; and therefore could give no power to their commissioners to treat of a restoration for those people; that it was an affair appertaining to each State. That if there were just compensation, sends it must be due from England rather than from America; but, in my opinion, England was not under any very great obligations to them, since it was by their misrepresentations and bad counsels that she had been drawn into this miserable war; and that, if an account was to be brought against us for their losses, we should more than balance it by an account of the ravages they had committed all along the coasts of America.

Mr. Oswald agreed to the reasonableness of all this; and said he had, before he came away, told the ministers that he thought no recompense to those people was to be expected from us.

No. 12.

Extract of a letter from the Commissioners of the United States for negotiating peace with Great Britain, to the President of Congress, dated Passy, Sept. 10, 1783.

Permit us to observe, that in our opinion the recommendations of Congress, promised in the 5th article, should immediately be made in the terms of it and published; and that the States should be requested to take it into consideration as soon as the evacuation by the enemy shall be completed. It is also much to be wished that the Legislatures may not involve all the torts in banishment and ruin, but that such discriminations may be made as to entitle the decisions to the approbation of disinterested men, and dispassionate posterity.

No. 13.

VirGinia, to wit:

General Assembly, begun and held at the public buildings in the city of Richmond, on Monday, the eighteenth day of October, in the year of our Lord 1784.

An Act respecting future confiscations.

Whereas it is stipulated by the sixth article of the Treaty of Peace between the United States and the King of Great Britain, that there shall be no future confiscations made,

Be it enacted, That no future confiscations shall be made, any law to the contrary notwithstanding: Provided, that this act shall not extend to any suit depending in any court which commenced prior to the ratification of the Treaty of Peace.

ARCHIBALD CARY, Speaker of the Senate.
JOHN TYLER, Speaker House of Delegates.

Certified as a true copy from the enrolment.

JOHN BECKLEY, Clerk House of Delegates.
By his Excellency Beniamin Harrison, Esq. Governor of the Commonwealth of Virginia, a Proclamation.

Whereas I have received information, that there are, in different parts of this Commonwealth, combinations formed by a number of persons, who, impelled by a turbulent spirit, have manifested a disposition to treat with outrage some of those lands that have been adjudged by this General Assembly, and the Congress of the United States, in October last: And whereas such a disposition, unless early suppressed by the interposition of Government, might grow into a dangerous evil, disturb the quiet of the Commonwealth, and involve a violation of the public faith and honor, so solemnly pledged for preserving sacred the articles of the treaty, as signed and ratified: To prevent, therefore, effectually, the dangerous consequences to be apprehended from the licentiousness of such persons, I have thought fit, by and with the advice of the Council of State, to issue this my proclamation, strictly enjoining all magistrates and other civil officers to use their utmost vigilance in the preservation of the peace; and particularly to extend the earliest protection to all those who come within the description of the said acts of Assembly, and have reason to apprehend danger from such riotous persons; and to secure to them the enjoyment of those rights which they derive both from the treaty and acts of Assembly aforesaid. And that no person, or description of persons, may presume hereafter, on the hope of escaping with impunity, to do any act which shall contravene the one, or oppose the other, I do further declare, that, Government being resolved inviolably to support the public honor, and to enforce a pointed execution of the law, will not fail to take the most effectual measures for bringing to condign punishment all those who, senseless to the obligation of a solemn treaty, and unmindful of the dignity and honor of their country, and pledged for its support, shall be hardy enough to offend herein.

Given under my hand, and the seal of the Commonwealth, in the Council Chamber at Richmond, this 26th day of July, in the year of our Lord 1784, and of the Commonwealth the ninth.

BENJAMIN HARRISON.

Attest,

A. BLAIR, C. C.

A copy from the original proclamation in the office of the Executive.

Attest,

SAM. COLEMAN, A. C. C.

No. 15.

Extract of a letter from George Read, Jr., Attorney of the United States for the district of Delaware, to the Secretary of State, dated New Castle, on Delaware, November 4, 1790.

From the result of all my inquiries on the subject of your letter, I am induced to believe that no proceedings of any kind have taken place within this State, since the Treaty of Peace, tending in any manner to affect the persons or property of British subjects or American refugees, in contravention to that treaty. Whatever property any British subject might have had within this State, under the Declaration of Independence, the same hath been in no wise altered or diminished by any act of the State Legislature the confiscations of property specially declared by law, extended only to citizens and subjects of the State; and such outstanding debts which British subjects might have had within the State, I have generally understood have been settled by such their debtors as had ability to pay, in a way satisfactory to the creditors, or their agents; and almost the only suits which have been brought, were against persons whose circumstances were declining, or against the representatives of deceased persons; but in no instance that hath come to my knowledge, hath the least clamor or complaint been made or raised against any man of the law for commencing such suits, or any distinction urged, during their pendancy in the courts. As to the American refugees, I do not know, for the property of any other of them than specially named in the act of Assembly of this State, of the 26th of June, 1778, and transmitted with this, was seized upon and taken as forfeited; and several of these persons have returned since the peace, and resided without disturbance in the neighborhood of their former dwellings, and the two instances of their position within my knowledge. As to the State, it derived no benefit from the sales of their estates, they being made for continental paper, and the court of claims, which was established some time after, in favor of the creditors of such, whose property had been declared to be forfeited under the act aforesaid; having allowed the debts of those creditors in specie to an amount exceeding the specie value of the paper received for that property.

From every information I have herefore received of had allegations of the treaty, I never understood the Government in this State, or any executive department thereof, or the conduct of its citizens, with regard to British subjects or American refugees, were at any time included, and such I am told was the decided opinion of the Legislature of this State, at the time of their passing the act of the 2d of February, 1788, herefore also transmitted, “for repealing all acts or parts of acts repugnant to the Treaty of Peace between the United States and his Britannick Majesty, or any article thereof” as that act was framed by the late Congress, in the terms in which it is expressed, and passed by the Legislature, upon the special requisition of that body, which was made circular to all the States then in the Union.

I have the honor to be, &c.

GEORGE READ, JR.

The Hon. Thomas Jefferson, Esq.

No. 16.

IN COUNCIL, Philadelphia, Thursday, December 16, 1790.

Upon the report of the committee to whom was referred the letter from the Comptroller General of the 15th September last, informing Council that the following lots, “in the city of Philadelphia, forfeited to the Commonwealth by the attainer of Harry Gordon for high treason, viz. a corner lot on the south side of Walnut street and east side of Fourth street from Delaware river rising on front on Walnut street, 106 feet, and in depth on Fourth street, 37 feet, with the privilege of a three feet alley at the south of the subject to a ground rent of thirteen dollars and three eights of a dollar annually, and considerable arrears; and one other lot adjoining the above lot, bounded on the north by Walnut street, on the east by ground late of Robert Morris, Esq., on the west by Charles Moore’s ground, and part by the above described lot and alley, being 106 feet in front, and 47 feet in 15 inches deep, more or less, subject to an annual rent charge of £5 4s. 3d., with arrears thereof,” remains unsold, and submitting it to Council, whether it would not be proper, at this time, to direct the sale of the said lots:

Resolved, That the lots before described be exposed to public sale, according to law.

No. 17.

IN ASSEMBLY, January 31, 1784.

A message from his Excellency the Governor, to the Legislature, (transmitted to this House by the honorable the Senate) was read, and is in the words following, to wit:

“GENTLEMEN:

It is with pleasure I embrace the earliest opportunity of laying before you a proclamation of the United States, in Congress assembled, under their seal, dated the fourteenth day of January instant, announcing the ratification of the definitive articles of peace and friendship between these States and his Britannick Majesty, and enjoining a due observance thereof.
"I also submit to your consideration the recommendation of the United States, in Congress assembled, in conformity to the said articles, contained in their resolution of the said fourteenth day of January instant.

"GEORGE CLINTON."

"New York, January 36, 1784."

The papers which accompanied the said message of his Excellency the Governor were also read.

Ordered, That the said message of his Excellency the Governor, and the papers which accompanied the same, be committed to a committee of the whole house.

In Assembly, March 31, 1784.

A copy of certain resolutions of the honorable the Senate, delivered by Mr. Schuyler, were read, and are in the words following, viz:"

"Resolved, (if the honorable the House of Assembly concur herein) That it appears to this Legislature, that, in the progress of the late war, the adherents of the King of Great Britain, instead of being restrained by fair and mitigated hostilities, which are only permitted by the laws of nations, have cruelly massacred, without regard to age or sex, many of our citizens, and wantonly desolated and laid waste a very great part of this State, by burning not only single houses, and other buildings, in many parts of this State, but even whole towns and villages, and destroying other property throughout a great extent of country, and in enterprises which had nothing but vengeance for their object.

"And that, in consequence of such unwarrantable operations, great numbers of the citizens of this State have, from affluent circumstances, been reduced to poverty and distress.

"Resolved, That it appears to this Legislature, that divers of the inhabitants of this State have continued to adhere to the King of Great Britain, after these States were declared free and independent, and persevered in aiding the said King, his fleets, and armies, to subjugate these United States to bondage.

"Resolved, That, as, on the one hand, the rules of justice do not require, so, on the other, the public tranquillity will not permit, that such adherents, who have been attained, should be restored to the rights of citizenship.

"And that there can be no reason for restoring property which has been confiscated or forfeited, the more especially as no compensation is offered on the part of the said King and his adherents for the damages sustained by this State and its citizens, from the desolation aforesaid.

"Resolved, therefore, That, while this Legislature entertain the highest sense of national honor, of the sanction of treaties, and of the deference which is due to the government of the United States in Congress assembled, they find it inconsistent with their duty to comply with the recommendation of the said United States on the subject matter of the fifth article of the definitive Treaty of Peace.""

Resolved, That this House do concur with the honorable the Senate in the said resolutions.

Ordered, That Mr. Gordon and Mr. Lott deliver a copy of the last preceding resolution of concurrence to the honorable the Senate.

State of New York, ss.

I certify that the foregoing are true extracts from the journals of the Assembly, this 19th day of July, 1786.

ISAAC VAN VLEEK, for JOHN McKESSON, Clerk.

No. 18.

Copy of a letter from his Excellency Samuel Huntington, Governor of Connecticut, to the Honorable John Jay, Secretary for Foreign Affairs.

COUNCIL CHAMBER, Hartford, June 12, 1786.

Sir: Your letter of the 3d ultimo, addressed to the Governor of Connecticut, requesting information whether, and how far, this State has complied with the recommendation of Congress, pursuant to the treaty of peace with Great Britain, hath been received.

In compliance with your request, I have the satisfaction to inform, that the statutes of this State have all been revised since the peace, and all penal laws which subjected any person to prosecution, by reason of any part he had taken during the war, were repealed; the whole code, as revised, are transmitted to Congress; by examining those acts you may obtain the best possible information on this article; there is nothing in them, we apprehend, inconsistent with the spirit and intent of the treaty.

This State has never confiscated any estate belonging to real British subjects, or had any law existing that would warrant such confiscation.

Where confiscations have been taken place against citizens of the United States, who resided in districts in the possession of the British during the war, but had not borne arms, some of them, on application, have obtained a restitution of their estates; and we have no law now existing to prohibit any person from making the like application, or residing among us for that purpose.

The sixth article of the treaty was immediately observed on receiving the same with the proclamation of Congress; the courts of justice adopted it as a principle of law. No further prosecutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued, so far as my knowledge or information extends; and I am satisfied it was universally the case with respect to all persons who could claim the benefit of these articles. I may add, in general terms, that the Legislature of this State, and executive courts, have religiously adhered to the treaty, and, in no instance, as we conceive, contravened any article therein contained.

I have the honor to be, &c.

SAM. HUNTINGTON.

No. 19.

Extract of a letter from William Channing, Esq., Attorney of the United States for Rhode Island district, to the Honorable Thomas Jefferson, Secretary of State.

Newport, November 24, 1789.

Sir: The letter you were pleased to honor me with, of the 12th of August, I received soon after the date, and have since attended to the objects it requested. The situation of the records of our State made your commission a business of some difficulty, and a part of it still remains unexecuted. That part, however, is in a prosperous train.

[Further details about the legal issues and the handling of the papers, including the payment of the debts of the original proprietors, are discussed.]

HON. JOHN JAY, Esq.
This act was considered by our courts as annulled by the Treaty of Peace, and subsequent to the ratification thereof no proceedings have been had thereon. Government, during the war, were possessed of the real estates belonging to British subjects, but, on the application of the proprietors, they have been since restored, and the rents and profits accounted for:

The act of banishment has not been formally repealed by the Legislature, but I have not known any instance in which it has been enforced, although many persons, either named or described in the act, have, since the war, resided, and some of them still reside, among us.

The courts of this State have been ever open alike to the British subject and the American citizen; and equally enabled either to recover his just debt, agreeable to contract, until the substituting and paper money acts were made. The first of these acts was repealed soon after the passing of it, but the other continued to operate until September, 1789. But, previous to this, in September, 1787, from an idea that the making the paper money a tender might be considered as an infraction of the treaty with Great Britain, the Legislature passed the resolution declaring the obligation of the treaty sacred and inviolable.

I have the honor to be, &c.,

WILLIAM CHANNING.

Hon. THOMAS JEFFERSON, Esq.

No. 20.

Copy of a letter from his Excellency John Collins, Governor of Rhode Island, to the Honorable John Jay, Secretary for Foreign Affairs.

NEWPORT, September 4, 1786.

SIR: Your first letter requesting information of the measures of this State, respecting the Treaty of Peace between the United States and Great Britain, hath been by the Legislature referred, and the report is not made.

However, be pleased to be informed, that, upon the treaty, and the consequent ratification of Congress, being presented to the General Assembly, they immediately requested the Governor to make known the contents thereof to all the citizens, by proclamation, under the authority of the State, requiring a strict compliance therewith; this was done.

All prosecutions against absentees and others for the part they had taken in the war, that had not been finished, were immediately nullified, and no farther confiscations have taken place. All persons residing under the protection of the treaty, and that have applied to the Legislature for the restitution of property, or the rights of citizenship, denization, or even the capacity of prosecuting actions or suits at law, have been heard, and in most instances their requests have been granted. The laws from that moment have been, and still are, open to British subjects, to recover their debts, in the same manner as to citizens of the State. In short, the treaty, in all its absolute parts, has been fully complied with, and to those parts that are merely recommendatory, and depend upon the legislative discretion, the most candid attention hath been paid.

I have the honor of being, &c.,

JOHN COLLINS.

No. 21.

Extract of a letter from Sir Guy Carleton, to his Excellency General Washington, dated New York, April 6, 1783.

SIR: A packet from England arrived in this port last night, by which I have despatches from Mr. Townshend, one of his Majesty's principal Secretaries of State, communicating official intelligence, that the preliminary articles of peace with France and Spain were signed at Paris, on the 29th of January last, and that the ratifications have been since exchanged at the same place.

And I am further to inform your Excellency, that an instrument of accession to the suspension of hostilities by the States General of the United Provinces having been received in England, a cessation of arms with those States has been thereupon included in the proclamation.

No. 22.

CHALMERS, August 3, 1783.

SIR: The United States of America in Congress, having charged their commander-in-chief with making the necessary arrangements with the commanders-in-chief of the British armies, for receiving the posts now occupied by the troops of His Britannic Majesty, and which are in the United States, for this object, as well as for others relative to the preliminary articles of peace, I am ordered by his Excellency General Washington, to concert such measures with your Excellency, as shall be mutually agreeable.

Major North, my aid-de-camp, will inform your Excellency that I am on my route to Quebec, where I expect, in three or four days, to assure you, that I am, &c.,

STEUBEN.

His Excellency General Haldimand.

No. 23.

ST. JOHN'S, August 13, 1783.

SIR: In answer to the letter which I had the honor to receive from you yesterday, desiring a final answer, in writing, to the requisitions which you have made in the name of the United States, I very readily comply with that desire, though the sense of my answer can be no more than a repetition of that which I have made to his Excellency General Washington, delivered to me under a flying seal. I have therefore the honor to acquaint you that, however definitive the United States may consider the provisional treaties to be, the sense I have of my duty, and the customs of war, will not permit me to consider a cessation of hostilities in that light. The orders I have received, direct a discontinuance of every hostile act on my part, and an attention to defensive measures only. I have most punctually obeyed them, and shall continue to do so, until I shall receive his Majesty's further commands. I have not a doubt of the wishes, expressed in your letter, of the United States to establish a perfect harmony with Great Britain by making good every engagement on their part. You will, at the same time, allow me to express an equal confidence, that every promise on the part of Great Britain will in due time be fulfilled. But it is not for me to anticipate on this occasion. When the ratification of peace shall be announced to me, I beg you will be assured that it will afford me the highest pleasure to execute every instruction I shall receive relative to it, with the utmost punctuality and despatch; until that event shall arrive, it is totally out of my power to permit you to proceed to the posts in the upper country, or in fact to treat with you on the subject of your mission. Wishing you a safe and agreeable passage, I have the honor to be, &c.,

FRED. HALDIMAND.

Major General Baron Steuben.

29 VOL. I.
No. 24.

Baron Steuben to General Washington.

Saratoga, August 23, 1783.

Sir: I have the honor to inform your Excellency, that I arrived here last night, and had my health permitted, should have continued my journey, until I could have had the honor to inform your Excellency in person of the success of my mission. Lieutenant Colonel Villefranche will present this; to him I beg leave to refer for such observations relative to the situation of certain places, as I have been able to make during my tour.

I esteem myself very unfortunate that I could not succeed in the business with which I was charged, and am only consoled by the idea that your Excellency will believe that everything, which was in my power to do, was done, to answer the wishes of your Excellency and of Congress.

I arrived at Chambly the 2d of August, from whence I sent Major North to announce my arrival to General Haldimand; enclosed is a copy of my letter, and his answer, which did not meet me till I had reached Dechambault.

According to General Haldimand's appointment, we met at Sorel on the 8th, when I presented your Excellency's letter, and opened the business on which I was sent.

To the first proposition which I had in charge to make, General Haldimand replied that he had not received any orders for making the least arrangement for the evacuation of a single post; that he had only received orders to cease hostilities; those he had strictly complied with, not only by restraining the British troops, but also the savages from committing the least hostile act; but that, until he should receive positive orders for that purpose, he would not evacuate an inch of ground.

No. 25. Copy of a letter from his Excellency Governor Clinton, to his Excellency General Haldimand, dated New York, March 19, 1784.

Sir: I now do myself the honor to transmit to your Excellency the copy of a proclamation of the United States of America in Congress assembled, announcing the ratification of the definitive treaty of peace between these States and his Britannic Majesty, and enjoying a due observance thereof.

Having no doubt that your Excellency will, as soon as the season admits, withdraw the British garrisons under your command from the places they now hold within the United States, agreeable to the 7th article of the treaty, it becomes a part of my duty to make the necessary provision for receiving the post of Niagara and the other posts within the limits of this State, and it is for that purpose I have now to request that your Excellency would give me every possible information of the time when those posts are to be delivered up.

Lieutenant Colonel Fish, who will have the honor to deliver this despatch, is intrusted to confer with your Excellency, and to endeavor to make such arrangements for the transaction of this business as shall tend to promote mutual convenience, and that harmony which it is the Interest of both parties, and doubtless their desire to establish.

I have the honor to be, &c.

GEO. CLINTON.

His Excellency General Haldimand.

No. 26. His Excellency General Haldimand's answer to the foregoing letter, dated Quebec, May 10, 1784.

Sir: Some accident which has befallen the packet or messenger, has hitherto prevented me from receiving from England any notification of the definitive treaty; but, as in consequence of orders which I received last summer, subsequent to the ratification of the preliminary articles, all hostilities ceased, no great inconveniences have hitherto arisen from that misfortune. I only regret, that, not having had the honor to receive orders and instructions relative to withdrawing the garrisons from the upper countries, which are without the limits assigned to the province under my command, by the definitive treaty, I cannot, at present, enter into any arrangements with Lieut. Col. Fish, or give your Excellency the information which you desire.

My duty and my inclination is, to pay cheerful and punctual obedience to the orders and instructions which I shall have the honor to receive; and your Excellency may be assured, that, upon every occasion, I will exert my utmost endeavors to promote harmony and mutual convenience between the subjects of both nations, as well as in my transactions with your Excellency, or the United States of America.

I have the honor to be, &c.

FRED. HALDIMAND.

His Excellency Gov. Clinton.

No. 27. Copy of a letter from Lieut. Col. Hull to his Excellency Gen. Haldimand, dated Quebec, July 12, 1784.

Sir: I am instructed to request of your Excellency, in behalf of the United States of America, the precise time when each of the posts within their territories, now occupied by his Britannic Majesty's forces, will be delivered up, agreeably to the definitive treaty of peace, and to propose, as a matter of mutual convenience, an exchange of certain cannon and stores, now at the posts to be evacuated, for cannon and stores to be delivered at West Point, New York, or some other convenient place. With regard to the first point, as the season of the year is already far advanced, and as much time will be required in furnishing the necessary supplies for the garrisons during the winter, it is an object of very great importance, and I must beg leave to be solicitous with your Excellency to fix a very early period.

As the posts of the above description are numerous, and it being probable that it may not be convenient to withdraw the troops from the whole exactly at the same time, I wish your Excellency to fix the precise period when each will be delivered up.

If your Excellency approves the proposal of exchanging the cannon and stores, it will be necessary to fix on some criterion of their goodness: I would therefore propose, that the particular negotiation be referred to two artillery officers, one from each side, who shall personally inspect the cannon and stores, and, in case of not agreeing, call in a third person.

I have the honor to be, &c.

WM. HULL.

His Excellency Gen. Haldimand.
FRANCE AND GREAT BRITAIN.

No. 28.

His Excellency General Haldimand's answer to the foregoing letter, dated
QUEBEC, July 13, 1784.

Six: I have had the honor of your letter of yesterday, and have communicated to Major General Knox, by the enclosed letter, the reasons which put it out of my power to enter, for the present, into the consideration of the matter mentioned in your letter.

I have the honor to be, &c.

FRED. HALDIMAND.

Lieut. Col. HULL.

No. 28. B.

Copy of a letter from his Excellency General Haldimand to Major General Knox, dated
QUEBEC, July 13, 1784.

Six: I have had the honor to receive your letter dated New York, 15th of last June, by Lieutenant Colonel Hull, acquainting me you was directed by Congress, the sovereign authority of the United States, to write to me, in order to ascertain the precise time when each of the posts within the United States, now occupied by the troops of his Britannic Majesty, shall be delivered, agreeable to the definitive Treaty of Peace, and to propose, as a matter of mutual convenience, an exchange of certain cannon and stores, now at these posts, for others to be delivered at West Point, upon Hudson's river, New York, or some other convenient place.

I have the honor to enclose, for your information, copies of letters which passed between his Excellency Governor Clinton and me, upon the first part of your proposition. Though I am now informed by his Majesty's commissioners, that the ratification of the definitive Treaty of Peace, I remain, in other respects, in the same situation I then was, not having received any orders to evacuate the posts which are without the limits assigned by the Treaty of Peace to this province.

It is, therefore, impossible for me to ascertain the time when the evacuation of these posts shall commence. I can only assure your Excellency, that I shall lose no time in carrying into execution his Majesty's orders on that head, when I shall have the honor to receive them.

In the mean time I have to acquaint you, that, however desirous I am to consult mutual convenience, I am not at present empowered (and have reason to think I will not in future be empowered) to make the exchange of cannon and stores proposed by you, and for which Lieutenant Colonel Hull was authorized to make the proper arrangements.

I have the honor to be, &c.

FRED. HALDIMAND.


No. 29.

The United States, in Congress assembled, May 26, 1783.

Whereas, by the articles agreed upon the 30th of November last, and between the commissioners of the United States of America for making peace and the commissioners of the part of his Britannic Majesty, it is stipulated that his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same; and whereas a considerable number of negroes, belonging to the citizens of these States, have been carried off thence contrary to the true intent and meaning of the said articles:

Resolved, That copies of the letters between the commander-in-chief and Sir Guy Carleton, and other papers on this subject, be transmitted to the ministers plenipotentiary of the said States for negotiating a peace in Europe; and that they be directed to remonstrate thereon to the court of Great Britain, and take proper measures for obtaining such redress as the nature of the case will admit.

Ordered, That a copy of the foregoing resolve be transmitted to the commander in chief; and that he be directed to continue his remonstrances to Sir Guy Carleton, respecting the permitting negroes, belonging to the citizens of these States, to leave New York, and to insist on the discontinuance of that measure.

No 30.

Virginia, to date: In General Assembly, June 23, 1784.

It appearing to the General Assembly, from a letter from his Excellency General Washington, dated the 7th day of May, 1783, that, in obedience to a resolution of Congress, he had a conference with General Carleton, on the subject of delivering up the slaves and other property belonging to the citizens of the United States, in compliance with the articles of the provisional treaty; that he (General Carleton) appeared to evade a compliance with the said treaty, by a misconception of the same, and permitted a large number of the said slaves to be sent off to Nova Scotia: It further appearing to the General Assembly, from the testimony of Thomas Walke, Esq. that he, together with several other persons from the counties of Norfolk and Princess Anne, in or about the month of April, 1783 went to New York, with a view of recovering the slaves which had been taken from them by the British troops during the war; that not being permitted to take possession of those slaves which they found in that city, the said Walke made a personal application to General Carleton, and requested a delivery of the said slaves, in compliance with the 7th article of the treaty, which prohibits the carrying off negroes, or other property, belonging to the inhabitants of the United States; this he peremptorily refused, alleging that he was not authorized to do it, without particular instructions from the British Government; that, at the time of this application, the said Walke was informed by an aide-de-camp of General Carleton, that an agent was appointed to superintend the embarkation, and keep a register of slaves sent to Nova Scotia, and that he afterwards saw the said register, and also saw a large number of negroes embarked to be sent to that country: It farther appearing to the General Assembly, from the testimony of Mr. John Stewart, of the State of Maryland, as well as from a variety of other circumstances, that many applications were made to General Carleton by citizens of America for the restitution of property, which were invariably rejected:

Resolved, That there has been an infraction, on the part of Great Britain, of the 7th article of the Treaty of Peace between the United States of America and Great Britain, in detaining the slaves and other property of the citizens of the United States.

Resolved, That the delegates representing this State in Congress, be instructed to lay before that body the subject matter of the preceding information and resolution, and to request from them a remonstrance to the British court, complaining of the aforesaid infraction of the Treaty of Peace, and desiring a proper reparation of the injuries consequent thereupon; that the said delegates be instructed to inform Congress, that the General Assembly has no
incline to interfere with the power of making treaties with foreign nations, which the Confederation hath wisely vested in Congress; but, it is conceived that a just regard to the national honor and interest of the citizens of this Commonwealth obliges the Assembly to withhold their co-operation in the complete fulfilment of the said treaty, until the success of the aforementioned remonstrance is known, or Congress shall signify their sentiments touching the premises.

Resolved, That, so soon as reparation is made for the aforesaid infraction, or Congress shall judge it indispensably necessary, such acts of the Legislature, passed during the late war, as inhibit the recovery of British debts, ought to be repealed, and payment thereof made in such time and manner as shall consist with the exhausted situation of this Commonwealth.

Extract from the Journal of Assembly.

JOHN BECKLEY, Clk. H. D.

No. 31.
Circular letter to the Governors of the several States.

OFFICE FOR FOREIGN AFFAIRS, May 3, 1786.

Sir: Congress has been pleased to order, that I should "report particularly and specially how far the several States have complied with the proclamation of Congress, of the 14th January, 1784, and the recommendation accompanying the same, pursuant to the definitive Treaty of Peace between the United States of America and Great Britain."

I order that I may be able to fulfill the expectations of Congress, I must request the favor of your Excellency, to inform me whether, and how far, the State (or Commonwealth) of ______ has complied with the recommendation in question.

I have the honor to be, &c.

JOHN JAY.

No. 32.

STATE OF NEW HAMPSHIRE:

In the year of our Lord one thousand seven hundred and eighty-six.

An act in compliance with the treaty of peace between the United States and his Britannic Majesty, and with the recommendation of Congress, of the 14th of January, 1784, founded thereon.

Whereas several acts and laws, during the late war, with Great Britain, were passed by this State, which are found to be incompatible with the definitive Treaty of Peace and Friendship: And whereas Congress did, on the 14th day of January, 1784, earnestly recommend to the Legislatures of the respective States, to reconsider and revise all their acts and laws respecting the premises, so as to render such acts and laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail;

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, That the fourth article of the said definitive treaty, viz: "It is agreed that the creditors on either side, shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted," be complied with, as far as it respects this State; and that the subjects of his Britannic Majesty, shall meet with no lawful impediment to the recovery of any such debts, but shall have a right to recover the same, in the manner and way solemnly stipulated in said article.

And be it further enacted, That, in case any of the estates, rights, and properties, of any real British subjects, or any of the estates, rights, and properties, of any person or persons resident in any district or districts which were in the possession of his Britannic Majesty's arms, between the 50th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the United States, shall have been confiscated, the act or acts so confiscating, shall be, and hereby are, repealed; and persons of any other description, shall have free liberty to go to any part or parts of this State, (provided, that, within fourteen days after their first arrival, they lodge their names in the Secretary's office) and to reside in any town, place, or district, therein, during the space of one year, to commence from the day of their first arrival in this State and no longer; and to remain unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as have been confiscated.

And be it further enacted by the authority aforesaid, That the act of this State, passed the 19th day of November, 1779, entitled " An act to prevent the return to this State, of certain persons, therein named, and of others who have left, or shall leave, this State, or either of the United States of America, and have joined, or shall join, the enemies thereof," so far as the same militates with the said articles of peace; also, the act, passed the 28th day of November, 1779, entitled " An act to confiscate the estates of sundry persons therein named," together with the additional acts to the said two acts, and all other acts and resolves of this State, so far as they militate with, or are repugnant to, the spirit and meaning of said Treaty of Peace and Friendship between the United States and his Britannic Majesty, shall be, and hereby are, repealed, and made void.

STATE OF NEW HAMPSHIRE:

IN THE HOUSE OF REPRESENTATIVES, Sept. 15, 1786.

The foregoing bill having been read a third time, voted that it pass to be enacted. Sent up for concurrence.

JOHN LANGDON, Speaker.

IN SENATE, the 15th of Sept. 1786.

This bill having been read a third time, voted that the same be enacted.

Copy examined, per

JOSEPH PEARSON, Sec'y.

JNO. SULLIVAN, President.

No. 33.

COMMONWEALTH OF MASSACHUSETTS:

In the year of our Lord one thousand seven hundred and eighty-seven.

An act for repealing any acts or parts of acts, heretofore passed by the Legislature of this Commonwealth, which may militate with, or infringe the Treaty of Peace entered into by the United States of America and Great Britain.

Whereas certain laws or statutes, made and passed in some of the United States, are regarded and complained of, as repugnant to the treaty of peace with Great Britain, by reason whereby, not only the good faith of the United
States, pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected:
And whereas justice to Great Britain, as well as regard to the honor and interests of the United States, require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do, or may be construed to proceed from the laws of this commonwealth, be effectually removed: Therefore,
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such of the acts or parts of acts of the Legislature of this Commonwealth, as may be repugnant to the Treaty of Peace between the United States and his Britannic Majesty, or any article thereof, and so far as they may be repugnant thereto, shall be, and hereby are, repealed; and further, that the courts of law and equity within this Commonwealth be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same, any thing in the said acts or parts of acts to the contrary thereof, in any wise notwithstanding.

IN THE HOUSE OF REPRESENTATIVES, April 30, 1787.

This bill, having had three several readings, passed to be enacted.

ARTEMAS WARD, Speaker.

SAMUEL PHILLIPS, Jr., President.

By the Governor. A true copy. Attest,

JOHN AVERY, Jr. Secretary.

No. 34.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS:

IN GENERAL ASSEMBLY, September session, A. D. 1787.

Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted, That the treaty of peace entered into between the United States of America and his Britannic Majesty is fully binding upon all the citizens of this State, as a law of the land, and is not in any respect to be receded from, misconstrued, or violated.
A true copy. Witness,

H. SHERBUNRE, Deputy Secretary.

No. 35.

At a General Assembly of the State of Connecticut, holden at Hartford, on the second Thursday of May, A. D. 1787.

Whereas the United States, in Congress assembled, have, by their resolution of the 15th April, 1787, recommended to the several States to repeal all such acts and parts of acts of their several Legislatures, as may be now existing in any of the said States, repugnant to the Treaty of Peace between the United States and Great Britain, and that each State pass such act of repeal, whether any such exceptional act is existing in such State or not, and that rather by describing than reciting such act, for the purpose of obviating all disputes and questions between the United States and Great Britain relative to said treaty; and although there hath been no complaint or suggestion, officially or otherwise, that there is any act or part of an act existing in this State, repugnant to said treaty, yet this Assembly, being at all times disposed to conform to the true intent and spirit of the Articles of Confederation, and to prevent and remove (so far as to this Assembly doth appertain) all causes of dispute and contention, and every just ground of complaint, have thought fit to enact, and

Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same, That such of the acts or parts of acts of the Legislature of this State, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are, repealed. And be it further enacted by the authority aforesaid, That the courts of law and equity within this State be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same, any thing in the said act or parts of acts to the contrary thereof, in any wise notwithstanding.
A true copy of record, examined by

GEORGE WYLLYS, Secretary.

No. 36.

Copy from the second volume of the laws of the State of New York, published according to an act of the Legislature.

An act in the form of the act recommended by the resolution of the United States in Congress assembled, of the 21st day of March, 1787, to be passed by the several States, relative to the treaty of peace between the United States and the King of Great Britain. Passed February 22, 1788.

Whereas certain laws or statutes, made and passed in some of the United States, are regarded and complained of as repugnant to the Treaty of Peace with Great Britain, by reason whereof not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected: And whereas, justice to Great Britain, as well as regard to the honor and interests of the United States, require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do, or may be construed to proceed from the laws of this State, be effectually removed: Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That such of the acts and parts of acts of the Legislature of this State as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are repealed. And further, that the courts of law and equity, within this State, be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same; any thing in the said acts or parts of acts, to the contrary thereof, in any wise, notwithstanding.
No. 37.

In the twelfth year of the independence of the Delaware State. At a session of the General Assembly, commenced at Dover, on the 50th day of October, 1787, and continued, by adjournment, to the 2d day of February, following; inclusive, the following acts were passed, that is to say:

An act for repealing all acts or parts of acts, repugnant to the Treaty of Peace between the United States and his Britannic Majesty, or any article thereof.

Whereas certain laws or statutes, made and passed in some of the United States, are regarded and complained of, as repugnant to the Treaty of Peace with Great Britain; by reason whereof, not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected:

And whereas justice to Great Britain, as well as regard to the honor and interests of the United States, require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this State, be effectually removed:

1. Be it enacted by the General Assembly of Delaware, and it is hereby enacted by the authority of the same, That such of the acts, or parts of acts, of the Legislature of this State, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are, repealed.

And further, That the courts of law and equity within this State, be, and they hereby are, directed and required, in all cases and questions cognizable by them, respectively, and arising from, or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning, of the same; any thing in the said acts, or parts of acts, to the contrary thereof, in any wise, notwithstanding.

Signed by order of the House of Assembly:

JEHU DAVIS, Speaker.

THOMAS M'DONOUGH, Speaker.

Passed at Dover, February 2, 1788.

No. 38.

An act declaring the Treaty of Peace between the United States and his Britannic Majesty the supreme law within this State.

Be it enacted by the General Assembly of Maryland, and it is hereby declared, That the Treaty of Peace made between the United States of America and his Britannic Majesty, is the supreme law within this State, and shall be so considered and adjudged in all courts of law and equity; and all causes and questions cognizable by the said courts, respectively, ought, and shall be determined according to the said treaty, and the tenor, true intent, and meaning, thereof.

By the Senate, May 14th, 1787.

By the House of Delegates, May 15, 1787.

By order:

J. DORSEY, Clerk.

WM. HARWOOD, Clerk.

W. SMALLWOOD.

In testimony that the foregoing is a true copy from the original act of the General Assembly of Maryland, remaining in the general court, I have hereto set my hand, and affixed the seal of office, this 29th day of June, in the year of our Lord, 1787.

THO'S B. HODGKIN,

Clerk G. Ct. W. Shore.

No. 39.

Copy of an act of the General Assembly of Virginia, passed December 12, 1787.

An act to repeal so much of all and every act or acts of Assembly, as prohibits the recovery of British debts.

Whereas it is stipulated by the fourth article of the Treaty of Peace between the King of Great Britain and the United States of America, in Congress assembled, that creditors on either side shall meet with no lawful impediment in the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted.

Be it therefore enacted by the General Assembly, That such of the acts, or parts of acts, of the Legislature of this Commonwealth, as have prevented, or may prevent, the recovery of debts due to British subjects, according to the true intent and meaning of the said Treaty of Peace, shall be, and are hereby, repealed.

Provided, That this act shall be suspended until the Governor, with the advice of council, shall, by his proclamation, notify to this State, that Great Britain hath delivered up to the United States the posts therein now occupied by British troops, which posts were stipulated by treaty to be given up to Congress-immediately after the conclusion of peace, and is also taking measures for the further fulfilment of the said treaty, by delivering up the negroes belonging to the citizens of this State, taken away contrary to the seventh article of the treaty, or by making such compensation for them as shall be satisfactory to Congress.

No. 40.

An act declaring the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the land.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the articles of the definitive treaty between the United States of America and the King of Great Britain, are hereby declared to be part of the law of the land.

And be it further enacted by the authority aforesaid, That the courts of law and equity are hereby directed, in all causes and questions cognizable by them, respecting the said treaty, to judge accordingly.

Read three times, and ratified in General Assembly, the 22d day of December, 1787.

ALEX. MARTIN. S. S.

JNO. SITGREAVES, S. C.
No. 41.

Copy of a letter from his Excellency William Livingston, Governor of New Jersey, to the Honorable John Jay, Secretary for Foreign Affairs.

ELIZABETHTOWN, 15th June, 1786.

SIR: I have been honored with your letter of the 5th of May, informing me that Congress has been pleased to order, that you should "report, particularly and specially, how far the several States have complied with the proclamation of Congress, of the 14th January, 1784, and the recommendation accompanying the same, pursuant to the definitive Treaty of Peace between the United States of America and Great Britain;" and requesting me to inform you, "whether, and how far, the State of New Jersey has complied with the recommendation in question." In answer to which I can only inform you, in general, that I do not know of a single instance in which this State has not strictly complied with the said proclamation, as well as with the said recommendation, as far as, by the said treaty, the United States were bound to comply with such recommendation.

I have the honor to be, &c.

The Hon. JOHN JAY, Esq.

No. 42.


I am happy in being able to inform you, that no laws have been enacted in New Jersey, contravening the Treaty of Peace. The only judiciary decision, affecting the rights of British subjects in the State courts, was the opinion of a single judge, (without the point coming solemnly before the court upon argument) delivered in a charge to a jury; by which he directed the jury to make a deduction of interest upon an old bond during the period of the late war. How far this may be said to infringe the rights of British subjects, you will judge.

I have the honor to be, &c.

P. D. STOCKTON,
Attorney of the New Jersey District.

No. 43.

Resolution of the Assembly of Pennsylvania.

IN GENERAL ASSEMBLY, Monday, March 3, 1788, F. M.

The report of the committee, on that part of the message of the council which respects the resolution of Congress, of the 31st of March last, read March 1st, was read the second time: Whereupon, the Resolution, That his Excellency the President, and the honorable the Supreme Executive Council, be informed, that this House, having, by their committee, carefully examined into the subject matter of that part of the said message, which recommends to the notice of this House the resolution of Congress, passed March 21st, 1787, and suggests the propriety of passing a declaratory act to answer the end intended by the said resolution; they cannot find that there is any act or acts, or any part or parts of any act or acts, passed by the Legislature of Pennsylvania, now in force, which are repugnant to the treaty of peace between the United States and his Britannic Majesty, or to any articles thereof, or that at all tend to restrain, limit, or in any manner impede, retard, or counteract, the operation and execution thereof, or to explain the same.

No. 44.

Copy of a letter from his Excellency William Moultrie, Governor of South Carolina, to the Hon. John Jay, Secretary for Foreign Affairs.

CHARLESTON, SOUTH CAROLINA, June 21, 1786.

SIR: I have been honored with your favor of 3d May, requesting to know, for the information of Congress, how far this State has complied with the proclamation and recommendation of Congress, of the 14th January, 1784.

The subjects of Great Britain have encountered no other difficulties, or impediments, than have the citizens of America, in the recovery of their debts; such was the situation of the State, that the Legislature conceived it necessary to pass laws tantamount to the shutting the courts; and, in this case, even British subjects, who had property among us, were saved from ruin equally as those of America.

Agreeably to the fifth article of the treaty, which Congress earnestly recommended, this State, upon serious consideration, very liberally complied with that recommendation, and restored most of the estates that were under confiscation: the property carried off by the British, and belonging to the citizens of the State, far exceeded in value the property which, by our laws, has been confiscated and sold; and no subsequent act of confiscation has taken place to the above recommendation of Congress.

This State passed an act, February 26th, 1782, to prevent the recovery of debts; and this being done prior to the Treaty of Peace, and since continued, from time to time, in force, could not possibly have in view to distress the British subjects.

The Treaty of Peace also required twelve months to be allowed banished persons, and others attached to the British government, to settle their affairs. This State has generally added three months more to the twelve; and, in some instances, upon application, it has been further extended by the Executive.

I have the honor to be, &c.

HON. JOHN JAY, Esq.

No. 45.

Extract of a letter from Richard Harrison, Esq. Attorney of the United States for the district of New York, to the Secretary of State, dated New York, December 4, 1790.

The act relative to debts due to persons within the enemy's lines, appears to have been passed even before the provisional articles were concluded between Great Britain and the United States. It cannot, therefore, be considered as an infraction of a treaty in existence, until several months after, which, at most, could only be contemplated as probable, and was perhaps considered as barely possible.
Whatever, therefore, might be the nature or tendency of this act, its origin was not exceptional, as interfering with any national compact. The act, besides a temporary restraint upon commencing any suits by persons who had taken the oath of allegiance, was followed by the collection of interest upon their debts, from 1st January, 1776, made them liable to any further abatement, even of the principal, which referees might think proper, and obliged them to receive the balance in public securities.

The operation of this act became, soon after the peace, a subject of much complaint, grounded upon that article of the treaty which forbids any impediment to the recovery of the full value in sterling money of all bona fide debts, and that which declares that no person shall suffer any future loss in his person, liberty, or property.

With regard to British creditors, who were supposed to be the proper objects of the fourth article of the treaty, the superior courts of the State soon restrained the operation of the act, and I do not know a single instance where they have been held to be affected by it.

No. 46.

The following are the material facts in relation to the case of Rutgers against Waddington, as far as they are now recollected, and a confidence is entertained that the statement is substantially accurate:

PHILADELPHIA, April 19, 1792.

The suit was brought in the mayor's court of the city of New York, for the occupation and injury of a brew-house in that city, during the possession of it by the British army, founded upon an act of the State of New York, entitled 'An act for granting a new redress in cases of certain trespasses,' which was a grant of trespass to all citizens who had resided without the enemy's lines, against those who had resided within those lines, wherever the property of the former had been occupied, injured, destroyed, purchased, or received by the latter, declaring, 'that no defendant should be admitted to plead in justication any military order or command whatever of the enemy for such occupancy, injury, destruction, purchase, or receipt, nor to give the same in evidence on the general issue.' This act was passed subsequent to the provisional, but prior to the definitive treaty. The fact was, that the defendant had occupied the brew-house in question, under regular authority of the British army, proceeding, for a part of the time, immediately from the commander-in-chief, and for another part of it, from the quarter master general, and the use it.

Several pleas were pleased for the different portions of time corresponding with the state of the fact, one alleging the occupation under the immediate order of the commander-in-chief, the other under that of the quartermaster general.

The particulars of the pleas appear to be accurately stated in Mr. Hammond's memorial.

The court allowed the plea which alleged the occupation under the immediate authority of the commander-in-chief, and overruled the other, giving judgment for the plaintiff for the portion of time covered by the latter. The ground of distinction was, that it could not be in the course of service for a quartermaster general to let out brew-houses.

The force of the treaty to overrule the inhibition against pleading a military order, was admitted by the decision, which allowed in fact the very plea, when it appeared to be so.

But a writ of error was brought by the defendant to reverse the judgment in the supreme court, and pending that writ, a voluntary compromise between the parties took place, which superseded its prosecution to a final decision. A sum of money was paid by the defendant in consequence of this compromise.

It is, however, but candid to acknowledge, that, from the uncertainty of the event, the desire of the defendant to compromise, as a prudential course was not discouraged by his counsel.

It is not recollected that any decision ever took place in the supreme court of the State, giving effect to the inhibition above mentioned. It is believed that none ever did. The exceptional clause was repealed, by an act of the 4th of April, 1797, which put an end to the question. I acted as attorney and counsel for the defendant.

ALEXANDER HAMILTON.

No. 47.

PHILADELPHIA, April 11, 1792.

Sir:—Having been accidentally present at the examination of the witnesses against John Smith Hatfield, taken before the proper magistrate, in New Jersey, on a habeas corpus brought by Hatfield to obtain an order for bail or discharge, I have taken the liberty to give the substance of the testimony. Hatfield was an inhabitant of Elizabeth-town, New Jersey, and went over to the British in 1778. At a certain Mr. Ball, also an inhabitant of New Jersey, used to supply the British in Staten Island with provisions by stealth, it being contrary to our law. A spy having been taken in our lines, who had been a refugee, was tried by a court martial and executed. The next time Ball went over to the island without provisions, the refugees, of whom Smith Hatfield was one, seized him, and threatened to execute him in retaliation. The British commanding officer expressly forbade it, on which they determined to take him out of the British lines, and within ours, and there execute him. The commanding officer sent for the wit and after inquiring into the character of Ball, told the witness that he had forbade it, but still feared that they would not be sensible of his protestations, through having made it an article of faith with them to execute every selectedorf to the British. If they should, he would send the desired witness to inform our people that the British had nothing to do with it, and that the persons guilty of the crime must answer alone for it. On witness's return, he saw a boat with a number of men, among whom Hatfield was one, passing over to Bergen shore; he saw them land, take a man who was tied, out of the boat, and lead him to a tree, place him on a table, and one of the number tie a rope that was round his neck to a limb of the tree, and take the table from under him, whereas he was left hanging. Witness waited at the tavern till their return, when he heard Hatfield say, that he had hanged Ball, and wish he had many more rebels, he would repeat it with pleasure. Some witnesses, who had seen the trial, said that they heard the trial, and saw the man buried. On this evidence, and other corroborating testimony, the magistrate took the matter into consideration; but, on examining the habeas corpus, and finding it had issued at common law, and not under the statute, and knowing that he acted merely in a summary way, determined that it would be highly imprudent for him to decide so in a matter of a question, and one in which the Treaty of peace was involved, on so slight a consideration, when the court was near at hand. He concluded to remand the prisoner to Newark jail, where he had nearly lost his life by his debaucheries. At the meeting of the court in Bergen county, (in which the crime was committed) the evidence did not attend, wherever the court adjourned the business till the next court, and considering the situation of the prisoner, thought proper to bail him; but Hatfield immediately ran away, and never again returned.

The bail have applied to the Legislature for relief against their recognizance, and I believe have been discharged.

There are the facts, in short, as far as my memory will serve me; my colleagues not knowing of this matter but from general reports, would say nothing of it.

I have the honor to be, &c.,

ELIAS Boudinot.

The Hon. the Secretary of State.

Since writing the above, Mr. Boudinot is well informed that Hatfield's counsel has advised his bail to plead to the action against them on the recognizance, as they consider them as not legally bound to pay the forfeiture, and not to apply to the Legislature for redress. This has been done some time past, since which the attorney general has not moved the question.
No. 48.

I do hereby certify, that there never has been either originally instituted in the Supreme Court of the United States, or removed there, from any inferior court of the United States, any suit or claim between a subject of the King of Great Britain on the one part, and a citizen or citizens of the United States on the other. As witness my hand.

SAMUEL BAYARD.

Clerk of the Supreme Court of the United States.

PHILADELPHIA, April 25, 1792.

The subscribing Senators and Representatives of the State of Maryland in the Congress of the United States, in reply to the inquiries addressed to them by the Secretary of State, not having in this city the necessary documents, to which they might particularly refer, can only inform you generally:

That, soon after the pacification between these States and Great Britain, complaints of an obstruction to the recovery of British debts in some of the States, by his Britannic Majesty's minister, Mr. Pitt, were transmitted to Congress by the several States, accompanied by a requisition of that honourable body, that laws should be passed to secure the effectual observance of the treaty. The Legislature of Maryland, in consequence thereof, enacted a law declaring the treaty the supreme law of the land, which was, in reality, but a compliance in form with what had in effect taken place, immediately after the exchange of the ratifications of the definitive treaty.

British suits having been maintained from that period, in the superior and inferior tribunals throughout the State, without any obstruction whatever, to our knowledge, except in one instance, in the county of Charles, wherein a lawyer thought it advisable to withdraw some actions of this description, from a dread of popular interference. But on the speedy interposition of authority, those suits were all restored, and the persons concerned brought to a proper sense of their misconduct, in that event to the present. British claimants, as well under contracts previous to the late war, as since, have in every instance enjoyed every facility in the tribunals of justice of Maryland, equally with her own citizens. They have recovered in due course of law, and remitted to Great Britain, large debts of either description.

It is, however, to be understood, that the cases of persons who, during the late war, paid debts, contracted previously thereto, into the treasury of Maryland, by virtue of, and in conformity with, two acts of that State, of 1780, chapter 5th and 45th, have presented to the courts of that country an important question, involving principles of much equity and of considerable national importance, which, if not analogous to, and yet, if not distinctly attacked by, the law of nations, and precedents drawn from other countries, were yet of novel impression in America, and required much deliberation. A variety of such suits were brought; the usual steps were regularly and without interruption pursued; the gentlemen at the bar of the supreme common law court were nearly equally divided on the different sides of these claims, and it was finally agreed between them to select one case for trial, on the fate of which the rest should depend. The case of Mildred against Dorsey, which is particularly mentioned by the Secretary, was the individual case so selected, and after a full hearing, the court determined against the American citizens in favor of the British claimants; on which an appeal was entered, as is usual in all cases of consequences and that cause, together with other similar circumstances, wherein new security could be procured by the defendant, removed to the high court of appeals of Maryland, where it now remains for final decision, and where it will be tried as soon as the accustomed legal forms are complied with. Throughout the whole progress of this suit, there has been no difficulty in the courts or the defendant; all the forms have been conducted upon the principle of mutual agreement between the counsel of either party.

With respect to the case of Harrison's representative: On the disclosure of facts made by the trustees of the will of Harrison on oath, in chancery, in consequence of the claim made by the attorney general, in behalf of the State, the chancery court determined it in favor of the State, it is believed on this principle; that, however, Great Britain might consider the antenati, as subjects born, and that they could not divest themselves of inheritable qualities, yet that the principle did not reciprocate on America, as those antenati of Great Britain could never be considered as subjects born of Maryland.

The Legislature, however, took the matter up, and passed an act relinquishing any right of the State, and directing the intention of the testator to take effect, notwithstanding such right. It is conceived, that this was a liberal and voluntary interposition, on the part of the Legislature, in behalf of the representatives of Harrison, who are at liberty to pursue their claim.

JNO. HENRY,
CH. CARROLL, of Carrolton,
JOHN F. MURDAH,
SAMUEL STERRET,
JOSA. SENEY,
W. V. MURRAY,
PHIPL. KEY,
UPTON SHERIDINE.

No. 49.

Extract of a letter from William Tilghman, Esq. to —, dated Chester Town, April 26, 1792.

DEAR SIR:

Your favor of the 15th instant, found me at Easton. There is no doubt but British subjects have uniformly been permitted to recover from the citizens of Maryland, their debts due on causes of action existing before the late war. The only dispute has been about the interest which accrued during the war. Our courts have decided the point of interest against the British creditor. But this decision has been founded on general principles, and not on any act of Assembly contravening the treaty of peace.

We have recognized that treaty as the law of the land by a particular act of Assembly, and our judges have given one very striking proof of their impartiality in the construction of it. I allude to the decision of the general court in favor of British creditors, against a number of Maryland citizens, who, during the war, deposited paper money in the treasury, under the sanction of a law at that time existing, in satisfaction of their debts. Whether the treaty should have such retrospective as to avoid these payments, was certainly a doubtful point.

It would be endless to enumerate the particular instances of British debts recovered. One or two I will mention, of a stronger nature than common, which have fallen within my own knowledge. Cn. Christie, whose estate (except his debts) was confiscated, for adhering to the British army, recovered upwards of £1300 sterling from Colonel Richard Graves, of this county, on a judgment obtained before the Revolution. Mr. George Rose, of London, received, from Mr. Strickland, against the State, for the money he had paid against Col. Chainers, of the British army, whose estate had been seized by the State on an attinder of treason. In short, it is notorious that we have complied with the true spirit of the treaty, and that our Government has thrown no legal impediment in the way of the recovery of debts due to British subjects, from our own, prior to the Revolution.

I am, dear sir, &c.

WM. TILGHMAN.
DEAR SIR:—

Your favor of the 15th instant came safe to hand, and on examining the records of our court, I find a number of suits, commenced by British merchants, against citizens of this State, for debts contracted before the Revolution, in which judgments have been universally rendered, and carried into execution; the plaintiffs in every case released the interest during the war. James Gordon, and others, have brought at least a hundred suits, since the year eighteen-thirty-five, for old debts, and recovered judgments. John Buchanan and Co. have also brought a number of suits, in which they have also obtained judgments; one in particular, against Charles Ridgely, son of William, of Baltimore county, for a very considerable debt, in which a payment into the treasury was plead, and proven to have been paid. William Buchanan, 다양 acordo with our act of Assembly, in this, and several other similar cases, the court, on a case stated, gave judgment for the plaintiffs for the full sum due, with interest, except the interest during the war, computed from the 4th July, 1776, to the 3d September, 1783. Spero, French and Co. James Russell's administrator, and several other British merchants, have brought suits for debts of the above description, and recovered judgments with as much facility as one citizen against another could do. I could with ease give you the parties' names, in all the judgments rendered in our court, of the description you mention, but from your letter, I imagine a few will answer. I have, therefore, only selected such as you will observe at the foot of this letter.

I am, dear sir, &c.

JNO. GWINN.


HON. WILLIAM V. MURRAY, Esq.

No. 52.

PHILADELPHIA, May 1, 1792.

SIR:—

In April, 1791, in the district court of Fredericksburg, the case Mitchell against Wallis, in which the law of the State was plead, in bar of the debt, the following were the circumstances:

Mitchell, a native of Great Britain, residing and trading in Virginia, having debts due him, to great amount, conveyed them, with other property, just before the war, to the use of creditors in Great Britain, and one creditor in Virginia. In this situation the debts remained through the war, and the action was brought in favor of the British creditors, in 1788, or '89, and judgment rendered for the plaintiffs. Several other judgments were entered in favor of the citizens, in that, and the subsequent term. This must have been such a debt as was supposed to be prohibited and provided for by the treaty. It was so argued on the part of the defendant, whose counsel I was, and yet judgment was given against him.

I have not known of any other instances, wherein the right to recover was regularly contested. It was, however, always the rule of the oldest counsel at the bar, that those debts were recoverable, that no law prohibited it, and if it were otherwise, that the treaty would control it. Since the establishment of the present government, under the presumption there would be no further doubt on the subject, I have likewise heard several of the State judges say they had entertained the same opinion.

'Tis true the British merchants declined generally bringing suits prior to that event, nor indeed have any great number been brought in the federal courts. For the motive to this conduct, 'tis not necessary to hazard a conjecture, as your inquiries respect only the law and the decisions under it. Certain it is, they have been progressing, and with great success, in the民法courts, if the special provisions of their treaty with the British, which has perhaps been more effectual (admitting that there was no dispute about the recovery otherwise than other debts) than any other court would have been.

The facts, I believe, have only, have had exclusive jurisdiction of sums under ten pounds only. Upon all sums above that amount their decisions have been subject to the revision and control of the superior courts. A late modification gives them original jurisdiction of sums under 30l. but as well I remember, subject as before to correction of the superior courts by appeal or supercursus. I believe there are but few debts, under that sum, of the kind referred to.

In the federal court no cause had been put at issue, until the last November term, at which time, that Jones and Walker was argued, but continued over to the present, upon account of the absence of Judge Blair, who left the bench in consequence of the death of his son.

I have the honor to be, &c.

JAS. MONROE.

No. 53.

PHILADELPHIA, May 6, 1792.

SIR:—

A written request from you was some days since presented to me as one of the delegation in Congress for the State of Virginia, to communicate to you such information, respecting the present state of debts due to British subjects in that State, as had come to my knowledge, in compliance with which request, I now furnish you with the following state of facts.

As to my connection to Congress, I had been engaged, for several years in the practice of law in the State of Virginia. In the prosecution of that business, I was often applied to upon the subject of debts due to British subjects, and had an opportunity of observing the proceedings of several of the courts, in suits brought for the recovery of such debts.

The judgments of several of the county courts were not entirely uniform. In some of the counties, suits of that description were generally continued upon the dockets without trial; but they were such as were not much pressed by the plaintiff's counsel. In other counties they were brought to trial, and in all the cases within my recollection, in which the suits were established by competent testimony, judgments were rendered for the plaintiffs; except in one instance, in the court for the county of Chesterfield, where, upon an issue of fact upon the plea of a British debt, the jury found the plaintiffs to be British subjects, which finding caused some delay; but judgment was afterwards rendered in the same court for the same debt, and the money since paid under the judgment.

The plaintiffs in this suit were formerly British merchants, under the firm of Robert Donald, Jr. and Co. I was counsel for the company in that suit, and have been concerned as counsel for them, or for some of the members under other firms, in at least one hundred cases, in which the plaintiffs have received judgments in their favor, and believe have been as successful in collecting moneys under judgments as is usually the case with citizens of the State of Virginia. I recollect a case in the court of the county of Cumberland, in which Robert Donald was plaintiff, against
ROLFE ELDREDGE, defendant, upon a bond: judgment was given for the plaintiff. The defendant obtained an issue from the chancery side of the same court to stay proceedings, &c., upon the suggestion that the debt was originally due to British subjects, who were merchants and partners, and had been changed by obtaining a bond to Donald, in his individual capacity, who was an American citizen. Upon application, the suit was brought before the chancellor by certiorari, and the injunction dissolved; during the same time, the money for which judgment was rendered has been since paid, I believe, to my agent, and passed in account with me, to the credit of the company of which Donald was a member.

I am now concerned in several suits in the high court of chancery, for the purpose of foreclosing mortgages executed to British subjects; they have not yet come to a decision. I entertain no doubt, however, but that the decrees will be for the foreclosure of the mortgages, and the recovery of the money secured by them. It may be observed, upon the whole, that there have been temporary delays in some of the courts, attending the recovery of debts of the description before mentioned; but it is certain that many judgments have been rendered for them, and monies paid, by means of compulsory process in pursuance of those judgments. I am now in great haste. If any further information within my knowledge be necessary, I shall take pleasure in communicating it upon request.

I am, sir, &c.

WM. B. GILES.

THE SECRETARY OF STATE.


No. 54.

SIR: I have heard but of few suits brought by British creditors, since the peace, for the recovery of debts in the State of North Carolina, and never heard that any one had failed of a recovery because he was a British subject. In one instance, where a suit was instituted, and in my direction, for the recovery of a debt, contracted in 1768, at which time the plaintiff returned to Great Britain, and has been resident in London from that time, a recovery was had, in the superior court at Edenton, in April last, for the full value, nor was it any part of the defence that the plaintiff was a British subject, though the fact was notorious. The parties were Alexander Elmsly against Steven Lees's executors.

The case of Bayard against Singleton, as I recollect it, was this: Mr. Cornell, the father of Mr. Bayard, was a merchant in the town of Newbern, in North Carolina; some time previous to the declaration of independence he went to Europe, leaving his family in Newbern, and after that returned from Europe to New York, then a British garrison. From New York he came to Newbern, in a flag of truce, but the Assembly, then sitting, refused to permit him to come on shore, unless he would take an oath of allegiance to the State, which he refused. While on board the British vessel, in the harbor of Newbern, he conveyed the whole of his estate in North Carolina to his children, respectively, by several deeds of gift, which were duly proved and registered. Mr. Cornell then, with the permission of the Executive, and the British children, to New York. Mr. Cornell's estate was afterwards declared to be confiscated, by act of Assembly, and all the property which Mr. Cornell had conveyed to his children was seized, and sold by commissioners appointed for the sale of confiscated estates.

Mr. Singleton became a purchaser of part of it. Under this sale, one of Mr. Cornell's daughters, who claimed that part under one of the above mentioned conveyances, instituted an ejectment for the recovery of it, and, on trial, a verdict was given for the defendant.

I should have done myself the pleasure sooner to have answered your queries, had I not parted with your notes immediately, and did not get them back till this morning.

I am, &c.

SAML. JOHNSTON.

No. 55.

PHILADELPHIA, May 9, 1792.

SIR: In answer to your questions relating to the recovery of certain debts in South Carolina, I have the honor of informing you, that it is thought that several instances of judgment for British debts have occurred, but for want of time to procure direct official information from South Carolina, the only instance which can now be ascertained here is of the house of Powel, Highton, & Co. having obtained judgment against a citizen of South Carolina, for a debt contracted previous to the war.

Mr. Brailsford, one of the partners in this company, resided, during the war, in Great Britain, but is now a resident in South Carolina; the other partners, Messrs. Powel and Highton, both withdrew themselves, during the war, to the British dominions, and are now subjects of his Britannick Majesty. An instance of a suit in chancery having been commenced, and now pending against the house of Shubrick and a citizen of South Carolina, for a discovery of assets, can likewise be ascertained here, and will tend to prove that British subjects have free access to the courts of South Carolina. Neither can any act of the Legislature, making a discrimination between their own citizens and the British, establish any prejudice, and thus, when induced, except in the question of interest during the war, which, by their act, is reserved for judicial determination. They seem, therefore, to have considered the 4th article of the treaty of peace as importing nothing more than that the subjects of his Britannick Majesty should receive as ample and as speedy justice in the recovery of their debts as their own citizens; in conformity to which principle, their regulations concern the recovery of debts have been established.

The new federal constitution is now, however, adopted by that State, and the federal courts are in the exercise of their powers.

Paper money is no longer a tender in payment of debts, and the 3d section of the 9th article of their State constitution, formed in June, 1790, declares that no law impairing the obligation of contracts, shall ever be passed by the Legislature of the State.

I have the honor to be, &c.

THOMAS PINCKNEY.

THE SECRETARY OF STATE.

Extract of a letter from Edward Rutledge, Esq. dated

CHARLESTON, May 26, 1792.

You know I am not fond of the attorney's business, and do but little of it; however, in my own practice, I can furnish several instances of actions having been brought by British subjects for debts due to them before the war, by American citizens, and the recovery carried to judgment.

The Rev. Mr. Cowper, who, in the first commencement of the war, refused to take the oath, and went off, brought an action against Melcher Garner, executor of William Garner. I brought it, prosecuted it to judgment, and issues; the estate insolvent, because his movables property was carried off or destroyed by the British, during the war.

Powel, Highton, & Co. vs. Gaillard. I carried this to judgment. Ideos. Godfrey, I carried to judgment, and executed, and the party satisfied.

James Simpson vs. executors of Major Huger; Bay, attorney, judgment and execution. Ross & Mills vs. John Deas: debt on bond in 1773, for a real British debt, with British merchants, who were never in this country. I carried it to judgment. After the death of Deas, the executors applied to Mr. Penman, who was the agent of Ross & Mills, for permission to sell the bond; they sold, he bought a plantation, which Mr. Lowdies took off his hands, and gave the bonds of John Mifflin and payment; the balance of the debt was discharged to the satisfaction of Mr. Penman, and I, as attorney, on record, entered up satisfaction. This case goes the whole length of the business.
No. 56.
APRIL 25, 1792.

Sir:

In answer to your note of the 16th instant, we must say, that we know of no instance of a recovery in the State of Georgia, by a British creditor against his debtor; we say, with equal truth, that we know no instance of any judgment against such recovery since the ratification of the treaty of peace; as the creditors, instead of resorting to the law, have settled, or are in a course of settling, in an amicable way, with their debtors; and we are still further able to assure you, that the federal court is as open and unobstructed to British creditors in Georgia, as in any other of the United States.

With great respect, we are, &c.

W. FEW,

J. GUNN,

ABR. BALDWIN,

FRAN'S WILLIS.

THOS. JEFFERSON, Esq.

No. 57.


GROSVENOR SQUARE, June 16, 1786.

Lord Carnarthen told me, yesterday, "That he had letters from Mr. Anstry, mentioning his civil reception."

A long conversation ensued upon the subject of the posts, debts, &c. little of which being now, is worth repeating. The policy of giving up the interest during the war, and of agreeing to a plan of payment by instalments, was again insisted on, from various considerations, particularly from the evident injustice of demanding interest for that period. It was urged, that the claim of interest, in most cases, would have been from custom, and the mutual understanding of the parties, but that it never had been the custom, nor had it ever been understood or foreseen, that an act of Parliament should be passed, casting the American debtor out of the protection of the crown, cutting off all correspondence, and rendering all intercourse criminal; for that was the result and the legal construction during the whole war.

Here his Lordship fully agreed with me, and even went on, saying, that "It was very true, that by construction of the law of this land, it was high treason in a creditor in Great Britain to receive a remittance from his debtor in America, during the war." His Lordship added some slight expressions concerning the interest, and wished that the courts were open for recovering the principal. We might leave the interest for an after consideration.

No. 58.

Extract of a letter from the Commissioners of the United States for negotiating a Peace with Great Britain, to

PASSEY, July 17, 1783.

We are also instructed to represent to you, that many of the British debtors in America have, in the course of the war, sustained such considerable and heavy losses by the operation of the British arms in that country, that a great number of them have been rendered incapable of immediately satisfying those debts; we refer it to the justice and equity of Great Britain, so far as to amend the article on that subject, as that no execution shall be issued on a judgment to be obtained in any such case, but after the expiration of three years from the date of the definitive treaty of peace. Congress, also, think it reasonable that such part of the interest which may have accrued on such debts, during the war, shall not be payable, because all intercourse between the two countries had, during that period, become impracticable, as well as improper; it does not appear just, that individuals in America should pay for delays in payment, which were occasioned by the civil and military measures of Great Britain.

In our opinion, the interest of the creditors, as well as the debtors, requires that some tenderness be shown to the latter, and that they should be allowed a little time to acquire the means of discharging debts, which, in many instances, exceed the whole amount of their property.

No. 59.

Extract of a letter from William Rawle, Esq. Attorney of the United States for the district of Pennsylvania, to the Secretary of State, dated April 9, 1792.

I enclose a copy of the docket entries in the case of Hoare v. Allen, which show that the plaintiff acquiesced in the verdict given, and, that the whole mortgaged property did not sell for half his debt. The plaintiff in this case was, and is, also, a subject of, and resident in, Great Britain.

The court, in this, as they have done in every similar case, directed the jury to deduct seven and a half years' interest. The jury, however, deducted eight and a half years' interest. If the plaintiff had moved the court, on the return of the petiton, a new trial would have been granted, or, as the sum was certain, it is probable the court would have recommended, and the parties have made, the necessary alteration in the judgment.

I have the honor to be, &c.

W. RAWLE.

SAMUEL HOARE, V.

ANDREW ALLEN, jun. and the true tenants of Pikeland.

In the Supreme Court of Pennsylvania.

Removed by certiorari from the Common Pleas of Chester county; returnable to January term, 1789. At nisi prius, at West Chester, 8th May, 1789, tried verdict for the plaintiff, and jury certified to the court, that the debt due on this action by the defendants to the plaintiff, amounted to thirty-seven thousand one hundred and nine pounds and one penny, and found six pence damages, and six pence costs, besides the costs expended.

2d July, 1789, Judg. nisi. from the records.

GEO. DAVIS, for

EDW. BURD, Prothon.
I certify that a levari facias issued upon the above judgment, returnable to September term, one thousand seven hundred and eighty-nine, and by virtue thereof, the sheriff seized and took in execution, ten thousand one hundred and sixteen acres of land, being the premises mortgaged, and afterwards sold the same at public vendue, for the sum of fifteen thousand pounds, lawful money of Pennsylvania, to Samuel Hoare, he being the highest and best bidder.

Witness my hand, the 7th April, 1793.

GEO. DAVIS, for
EDW. BURD, Prothon.

No. 60.

Extract of a Letter of March 15, 1788, from the British Consul at Philadelphia, to the Governor of Pennsylvania.

"The settlement of interest on debts due to British merchants here, antecedent to the late troubles, has already been a subject of some discussion in the courts, and will, I presume, be decided, by your Excellency and the Council, in a matter of so much importance as to require some particular legislative interposition, to define its nature and extent."


The Legislature of the year 1788 did not think themselves authorized, by any principles of sound policy, or good government, to pass a law to define the nature and extent of contracts entered into more than a dozen years before, and, it is reasonable to presume, that such a law would have been complained of as an infraction of the treaty. Every person has been left to pursue his remedy at law, without any particular act being made for the allowance or abatement of interest. But on the subject of the laws of England, the President of State has given the State of Pennsylvania the following acknowledgment that "the channels of justice flow with great purity and impartiality in Pennsylvania, and that the laws are faithfully and diligently administered," seems to be a full refutation of his own objection. Since, however, the objection is so much insisted on, I will take the liberty of mentioning some facts, a knowledge whereof may be the origin of a more favourable opinion from a judicious mind.

I believe it is truly stated by the consul, that "the terms of contracts between British and American merchants are for the most part of this sort. Goods are sent hither to be paid for in one year; after which, interest becomes due at the yearly rate of 5 per cent." This, having been a long established usage, has so far received the sanction of our courts, as that interest has been allowed in such cases from the end of the year; but, as there is no positive law for the allowing of interest on an account; as the claim of interest by British merchants from their American debtors was founded on this usage alone; and as it was no instance before happened between the people of Great Britain and of America being interrupted by war, our courts held the case to be a new one, to which the usage did not extend; and as there was neither law or usage for allowing interest during the war, that is, from the battle of Lexington, in April, 1775, until the provisional articles between the United States and his Britannic Majesty, in November, 1783, it has been generally disallowed during that period.

It is supposed, Sir, that the court of Pennsylvania has been more liberal in allowing interest than the courts of England, because it was more prompt to entertain more than a year before the battle of Lexington, interest has been allowed, I believe in all cases, from the time of the debt becoming due until the battle of Lexington, and from the provisional articles until the time of payment. The rule has been reciprocal. It prevailed in a trial in our supreme court, where an American creditor had sued a British defendant, at a time when laws of England had been contracted long before the war. It has been observed in other cases, and I very much doubt if a different one has prevailed at Westminster Hall, in actions brought on running accounts.

The judges have uniformly and without hesitation declared in favor of the treaty, on the ground of its being the supreme law of the land. On this ground they have not only discharged attainted traitors from arrest, but have frequently declared, that they were entitled by the treaty to protection.

I am, with the highest esteem, &c.

WILLIAM LEWIS.

The Hon. Thomas Jefferson, Esq.,
Secretary of State of the United States.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State of the United States.

PHILADELPHIA, June 2, 1792.

SIR:

I have the honor of acknowledging the receipt of your letter of the 29th ult. which I shall transmit without delay to my court, for the consideration of his Majesty's ministers.

The matter contained in your letter being so various and extensive, I fear that much time must elapse, before I can be enabled to communicate to you my observations upon it. You may, however, be assured, that I will use every exertion to avoid unnecessary procrastination.

To this observation you will permit me, sir, to add, that some of the principles, which you have advanced, do not appear to me, at the present moment, to be entirely relevant to the subjects actually under discussion between our respective countries; and the difference between us in our statement of positive facts, is so essential, as to render it an act of duty to my own character to vindicate the purity of the sources from which I have derived my information, by recurring to them for corroborating testimony. If there exist any points upon which I have been mistaken, I shall, with the utmost frankness, inform you on the point, that the additional evidence, on which I expect to be furnished, will fully substantiate the allegations I have made, and effectually protect me from the imputation of negligence, or the suspicion of intentional deception.

Although it is not in my power to enter into an immediate examination of the general contents of your letter, my design of sending it to England, induces me to request an explanation of one part of it, which refers to a transaction that you state to have taken place in that country. Towards the conclusion of your letter, you cite two cases, which, in your opinion, controvert my position, that, "in the courts of law, in Great Britain, the citizens of the United States have experienced, without exception, the same protection and impartial distribution of justice as the subjects of the crown." With respect to the former of those cases, (that of the sum of money, the property of the State of Maryland, and detained in England) I have some general notion of the particulars of it. But in regard to the latter case, I have no knowledge of it whatsoever. I therefore entreat you, sir, to have the goodness to inform me whether the judge of the court of King's bench, to whom you allude, delivered the opinion of the court, in the general terms which you have employed, viz: "that a citizen of the United States, who has delivered 43,000l. sterling, in the north of East India goods, to a British subject at Ostend, receiving only 18,000l. in part payment, is not entitled to maintain an action for the balance, in a court of Great Britain, though his debtor be found there, in custody of the court, and acknowledges the facts."

I must own, sir, that, even from your statement, I am inclined to infer, that the circumstance of Greene's being a citizen of the United States, had no connexion with the decision of the question; and that the same judgment would have been given in an action of a similar nature, depending between two subjects of the crown of Great Britain.

I have the honor to be, sir, &c.

Mr. Jefferson.

GEO. HAMMOND.
To the Minister Plenipotentiary of Great Britain.

PHILADELPHIA, June 19, 1793.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

Sir: I had the honor to address you a letter, on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive, important, and therefore entitled a certain degree of delay, in the reply, to be expected. But it has now become such, as naturally to generate disquietude. The interest we have in the Western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part. Permit me, therefore, to ask when I may expect the honor of a reply to my letter, and to assure you of the sentiments of respect,

With which I have the honor to be, &c.

TH: JEFFERSON.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

GERMANTOWN, November 13, 1793.

Sir: In a letter which I had the honor of addressing you on the 19th of June last, I asked for information, when we might expect an answer to that which I had written you, on the 29th of May was twelvemonth, on the articles still unexecuted of the Treaty of Peace between the two nations.

In your answer of the next day you were pleased to inform me, that you had forwarded the letter of the 29th of May, 1793, in the course of a few days after its date, and that you daily expected instructions on the subject; that you had been delayed in consequence of the very interesting events which had occurred in Europe, and which had been of a nature so pressing and important, as probably to have attracted the whole attention of his Majesty's ministers, and thus to have diverted it from objects that are more remote; and that may, perhaps, have been regarded as somewhat less urgent. Whenever I shall learn his Majesty's pleasure on the subject of your representation, you may depend on an appropriate reply, and in consequence of the exertions which, but little time will be requisite on my part, as, in consequence of my exertions for the purpose, I have already collected, in this country, the evidence necessary to substantiate most of the principal facts advanced in my statement of the 5th of March, to which that representation was intended as an answer.

There is one passage in your letter of yesterday, sir, of which it becomes me to take some notice. The passage I allude to is that wherein you mention "the blood and treasure which the detention of the Western posts costs the United States daily." I cannot easily conjecture the motives in which this declaration has originated. After the evidence that this Government has repeatedly received, of the strict neutrality observed by the King's governors of Canada, during the present contest between the United States and the Indians, and of the disposition of those officers to facilitate, as far as may be in their power, any negotiations for peace, I will not, for a moment, imagine, that the conduct I have cited was intended to convey the impression of their having pursued a different conduct, or that it had any reference to those assertions, which have been lately disseminated, with more than usual industry, through the public prints in this country, that the Western posts have been used, by the Government of Canada, as the medium of supplying military stores to the Indians now engaged in war with the United States.

I can assure you, sir, that, if the delay, on the part of my country, in the execution of certain articles of the Treaty of Peace, is such as to create disquietude in this Government, I also experience similar impressions with respect to those articles which have, hitherto, not been carried into effect by the United States; as I am perpetually receiving complaints from the British creditors, and their agents in this country, of their inability to procure legal redress in any of the courts of law in one or two of the Southern States, in which States the greatest part of the debt remaining due to the subjects of Great Britain still continues to exist in the same condition as that in which it was at the conclusion of the war.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

LANDSDOWN, November 28, 1793.

Sir: In answer to your letter of the 13th current, I have the honor of informing you, that I have not yet received such definitive instructions, relative to your communication of the 29th of May, 1793, as will enable me immediately to reply to the discussion upon the subject of it, which have been for some time suspended.

I can, however, repeat with confidence my conviction, that the continuance of the cause, to which I alluded in my letter of the 20th of June last, and no other, has protracted this delay to the present period.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Jefferson.
Mr. Jefferson, Secretary of State, to Mr. Pinckney, Minister Plenipotentiary from the United States to France.

PHILADELPHIA, Sept. 7, 1793.

Sir: We have received, through a channel which cannot be considered as authentic, the copy of a paper, styled "Advises," in which the Commander of the ship Bonhomme Richard, off the Island of Martinique, on the 8th of June, 1793. If this paper be authentic, I have little doubt but that you will have taken measures to forward it to me. But as your communication of it may miscarry, and time, in the mean while, be lost, it has been thought better that it should be supposed authentic; that, on that supposition, I should notice to you its very exceptional nature, and the reasons which, in my opinion, attend its justice. I have been authorized by the Congress of the United States, so that you will consider this letter as provisionally written only, and as if never written, in the event that the paper, which is the occasion of it, be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour, or meal, bound to any part of France, or the British coast, to be purchased by that Government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country in amity with his Majesty.

This is so manifestly contrary to the law of nations, that nothing more would seem necessary, than to observe that is so. Reason and usage have established, that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations to carry on the commerce of their industry, for exchange, to all nations, belligerent or neutral, as usual; to go and come freely, without permission or consent of the enemy. It is of the nature of the thing, that the right of the subject, of which a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

In the event, existing between Great Britain and France, furnishes no legitimate right to either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently the assumption of it will be as unlawful as now, in peace as in war. No ground, acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time and at all times. No branch of industry, so circumscribed, as to be at the root of our agriculture, that branch of industry which gives food, clothing, and comfort, to the great mass of the inhabitants of these States. If any nation whatever has a right to shut up, to our produce, all the ports of the earth, except her own, and those of her friends, she may shut up these also, and so confine us within her limits. No nation can subscribe to such a proposition, no nation will or interest of another, to have the peaceable industry suspended, and its citizens reduced to idleness and want. The want of our produce, destined for foreign markets, or that loss which would result from an arbitrary restrain of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will hold you. We have a right to answer, that it suits us better to sell to their enemies as well as to their friends. Our ships do not go to France to return empery; they go to exchange the surplus of our produce, which we can spare, for surpluses of other kinds, which they can spare, and we want; which they can furnish on better terms, and more to our mind, than Great Britain would, or her friends. We have a right to judge for ourselves what market best suits us, and they have no right to forbid us the enjoyment of the necessaries and comforts which we may obtain from any other independent country. This act, too, tends directly to draw us from that state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it, would be a partiality which might lead to war with France, and, between restraining it, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a breach of the treaty, and look upon what had been done as such, and the article, if not illegal, could be otherwise explained.

We thus should see ourselves plunged, by this unauthorized act of Great Britain, into a war, with which we meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it. In the case where we found ourselves obliged, by treaty, to withhold from the enemy of France, the right to our ports, and the right to sell as well as to sell, it is an obvious right to all parties, that they should both be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instrument of it.

The President, therefore, desires that you will immediately enter into explanations on this subject with the British Minister here. We have a right to judge for ourselves what market best suits us, and they have no right to forbid us the enjoyment of the necessaries and comforts which we may obtain from any other independent country. This act, too, tends directly to draw us from that state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it, would be a partiality which might lead to war with France, and, between restraining it, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a breach of the treaty, and look upon what had been done as such, and the article, if not illegal, could be otherwise explained.

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FOREIGN RELATIONS.

[1793.]

Whether these explanations with the British Government shall be verbal or in writing, is left to yourself. Very many and very strong are the reasons, for it is only to deny them or to change their terms, in order to do away their effect at any time; those in writing have many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are not apprised.

I have the honor to be, &c.

TH. JEFFERSON.

Mr. Pinckney.

Additional instructions to the commanders of his Majesty's ships of war, and privateers that have or may have letters of marque against France. Given at our court at St. James's, the eighth day of June, 1793, and in the 33d year of our reign.

GEORGE R. [l. s.]

1st. That it shall be lawful to stop and detain all vessels loaded wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as shall be most convenient, in order that such corn, meal, or flour, may be purchased on behalf of his Majesty's Government, and the ships released after such purchase; but if it shall happen, however, that no ships can be procured, the cargoes, on giving due notice of their coming by the court of admiralty, shall be allowed to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country in amity with his Majesty.

2d. That it shall be lawful for the commanders of his Majesty's ships of war, and privateers that have, or may have letters of marque against France, to proceed to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall only be prevented from entering on the first attempt, but on the second shall be sent in for condemnation likewise.

3d. That in case his Majesty shall declare any port to be blockaded, the commanders of his Majesty's ships of war, and privateers that have, or may have, letters of marque against France, are hereby enjoined, if they meet with ships at sea, which appear from their papers, to be destined to such blockaded port, but to have sailed from the ports of the respective countries before the declaration of the blockade have arrived there, to advertise them thereof, and to admonish them to go to other ports; but they are not to molest them afterwards, unless it shall appear that they have continued their course with intent to enter the blockaded port; in which case they shall be subject to capture and condemnation, and to be disposed in the same manner as ships, wherever found, that shall appear to have sailed from their ports, bound to any port which his Majesty shall have declared to be blockaded, after such declaration shall have been known in the country; and which they sailed, and all ships which, in the course of the voyage, shall have received notice of the blockade in any manner, and yet shall have pursued their course with intent to enter the same.

G. R.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

PHILADELPHIA, September 12, 1793.

Sir:

I have the honor of transmitting to you a copy of an additional instruction, given by his Majesty's order in council, to the commanders of the British armed vessels, respecting the commerce of neutral nations with France, in the article of grain, and also with regard to such French ports as may, in the course of the war, be blockaded by the vessels of his Majesty, or of the other Powers engaged in the war.

In connexion with this paper, it is necessary for me to remark, that, by the law of nations, as laid down by the most modern writers, it is expressly stated, that all provisions are to be considered as contraband, and as such, liable to confiscation, in the case where the depriving an enemy of these supplies, is one of the means intended to be employed for reducing him to reasonable terms of peace. The actual situation of France is notoriously such, as to lead to the employing this mode of distressing her by the joint operations of the different Powers engaged in the war, and the reasoning which in these authors applies to all cases of this sort, is certainly much more applicable to the present case, in which the distress results from the unusual mode of war employed by the enemy himself, in laying armed almost the whole laboring class of the French nation, for the purpose of commencing and supporting hostilities against all the governments of Europe; but this reasoning is most of all applicable to the circumstances of a trade, which is now in a great measure entirely carried on by the actually ruling party of France itself, and which is therefore no longer to be regarded as a mercantile speculation of individuals, but as an immediate operation of war, who have declared war are now carrying it on against Great Britain. On these considerations, therefore, the Powers at war would have been perfectly justifiable if they had considered all provisions as contraband, and had directed them, as such, to be brought in for confiscation.

But the present measure pursued by his Majesty's Government, so far from going to the extent which the law of nations and the circumstances of the case would have warranted, only has prevented the French from being supplied with corn, omitting all mention of other provisions; and even with respect to corn, the regulation adopted is one which, instead of confiscating the cargoes, secures to the proprietors, supposing them neutral, a full indemnification for any loss they may possibly sustain.

With respect to the rule that has been adopted relative to ports blockaded, it is consonant to the general law and practice of all nations; and, the exception there mentioned, as to Denmark and Sweden, has reference to existing treaties with those powers, and cannot therefore give any just grounds of umbrage or jealousy to other Powers, because our relationship and Great Britain no such treaties subsist.

Before I conclude this letter, I deem it proper to express my hope that you, sir, will perceive, in the communication itself, of this paper, a proof of my willingness to furnish this Government with any intelligence that may be interesting to it, and whereby to anticipate the necessity of inquiries on that subject; and I cannot avoid further adding my conviction, that the explanation I have now given of this measure, will satisfactorily evince the propriety of recurring to it in the present instance.

I have the honor to be, &c.

GEO. HAMMOND.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

SEPT. 29, 1793.

Sir:

I have yet to acknowledge the receipt of your favor of the 12th instant, covering an additional instruction to the commanders of British armed vessels, and explaining its principles; and I receive it readily as a proof of your willingness to anticipate our inquiries on subjects interesting to us. Certainly none was ever more than the instruction in question, as it strikes at the root of our agriculture, and at the means of obtaining for our citizens in general, the numerous articles of necessity and comfort which they do not make for themselves, but have hitherto procured from other nations by exchange. The paper had been before communicated to the President, and instruc-
FRANCE AND GREAT BRITAIN.

Mr. Hammond.

Mr. Pinckney to the Secretary of State.

LONDON, 5th July, 1793.

Dear Sir:

The enclosed copy of additional instructions to the commanders of British men of war and privateers, will show the further embarrassment to which our commerce will be subjected in the present war. These instructions, though dated the 8th of June, were not finally issued to the admiralty till the 26th. Lord Grenville justifies them from the authority of the writers on the law of nations, particularly Ed. Vattel, 72, 75; and urges, that by the doctrine there laid down, they have not gone so far as they would have been justified in proceeding, considering the prospect they have of reducing their enemy by such means—the instructions not extending to all kinds of provisions, nor to confiscations of those kinds that are mentioned; that the existing circumstances justifying them in considering grain as among contraband articles, they come within the line of measures to theerus, that the contract of the measure was so guarded, by directing the property to be paid for together, that the owners could suffer no loss, a liberal price being always allowed in those cases, and he was hopeful the matter would be conducted and give satisfaction to the parties concerned. He insisted every argument that suggested itself to me, in support of the neutral rights which I contended were injured in this instance pointed to inconveniences that would attend the execution of the instructions; and urged that the case put by Vattel, of a well grounded hope of reducing the enemy by famine, did not exist, provisions being now cheaper in the ports of France than in those of England. Lord Grenville, on being asked, said Spain would pursue the same line of conduct; and upon its being objected, that even their late convention with Russia did not extend to this object, he answered, that though it was not expressly mentioned, it was fully understood by both parties to be within the intention of it. At the close of the conversation, I told him I should transmit these instructions to you, accompanied by his reasons in their justification. Lord Grenville spoke in high terms of approbation of the answers to Mr. Hammond's memorials, which he received by the packet.

I have the honor to be, &c.

THOMAS PINCKNEY.

The Secretary of State.

Mr. Pinckney, Minister Plenipotentiary of the United States with Great Britain, to Mr. Jefferson, Secretary of State.

LONDON, August 15, 1793.

Dear Sir:

The frequent interruptions our vessels experience, especially in navigating the European seas, induce me to address you in cipher.

I have had several conversations with Lord Grenville, but do not find that this Government will at all relax in the measures they have adopted towards the neutral nations. I have urged every thing in my power, in opposition to the policy as well as the right of these measures, as have assured him that the executive of our Government are in fact the only importers of grain into that country; that the measure was so guarded, by directing the property to be paid for together, that the owners could suffer no loss, a liberal price being always allowed in those cases, and that he was hopeful the matter would be conducted and give satisfaction to the parties concerned. He insisted every argument that suggested itself to me, in support of the neutral rights which I contended were injured in this instance pointed to inconveniences that would attend the execution of the instructions; and urged that the case put by Vattel, of a well grounded hope of reducing the enemy by famine, did not exist, provisions being now cheaper in the ports of France than in those of England. Lord Grenville, on being asked, said Spain would pursue the same line of conduct; and upon its being objected, that even their late convention with Russia did not extend to this object, he answered, that though it was not expressly mentioned, it was fully understood by both parties to be within the intention of it. At the close of the conversation, I told him I should transmit these instructions to you, accompanied by his reasons in their justification. Lord Grenville spoke in high terms of approbation of the answers to Mr. Hammond's memorials, which he received by the packet.

I have the honor to be, &c.

THOMAS PINCKNEY.
Mr. Pinckney presents his compliments to Lord Grenville, and has the honor of enclosing, in conformity to his Lordship’s request, a memorandum, relating to the American ship Eliza, to which he has added a certificate of two other vessels. These form only a small part of the American vessels brought into the different ports of Great Britain. Mr. P. thinks it unnecessary to add anything to what he has had the honor of personally mentioning to his Lordship, in the last letter of the 14th of October. In consequence of his assurance to the Grenville, of the United States will consider as infringements of the neutral rights, Lord Grenville’s endeavors will not be wanting to prevent any unnecessary aggravation of the inconveniences arising therefrom.

Great Cumberland Place, 23d July, 1793.

Lord Grenville has had the honor to receive Mr. Pinckney’s note of the 23d July, with the memorandum accompanying it; he has directed inquiry to be made respecting the cases of the several ships mentioned by Mr. Pinckney, which he apprehends, however, to be all in a course of legal adjudication, and consequently not in a state to admit of the interference of Government.

It may be proper to observe, that Lord Grenville’s best endeavors, at all times, to prevent, as far as possible, any inconvenience arising to the subjects of the United States in their European commerce, from the measures which unavoidably result from that state of war, in which the maritime countries of Europe are engaged. But it is impossible for him not to remark, in reply to the observation contained in Mr. Pinckney’s note, that the steps adopted by this Government, so far from being infrasions of the neutral rights, are more favorable than the law of nations to this subject, as established by the most modern and most approved writers upon it; and that the rule laid down here, has been marked with circumstances of particular attention to the commerce of America, in the instance which Lord Grenville has already had the honor of pointing out to Mr. Pinckney.

Lord Grenville avails himself of this opportunity to assure Mr. Pinckney of his sincere esteem and consideration.

Mr. Pinckney has the honor of acknowledging the receipt of Lord Grenville’s note of the 31st ult. and of expressing his obligation for the assurance therein contained, that his Lordship’s endeavors will be exerted to prevent, as far as possible, any inconvenience arising to the subjects of the United States in their European commerce, from the measures which America may be liable, from the measures unavoidably resulting from the existing state of war; and as his Lordship has adverted to an observation contained in Mr. Pinckney’s note of the 23d ult. he will take the liberty of briefly stating the principal reasons which suggested his remark, that some of the measures of this Government will be considered by the United States as infringements on the neutral rights. The measures alluded to, are particularly those which contravene the principle, that free ships make free goods, which and prevent certain articles of provision, the produce of the United States, from being carried, in their own vessels, to the unblockaded ports of France. With respect to the first, it is understood, that the law of nations, relating thereto, has received material improvements since the publication of the most modern and most approved writers on that subject, and that, whatever doubts may formerly have existed on this point, that the sense of a considerable majority of the maritime Powers of Europe has, within the last twenty years, been clearly expressed in favor of the principle of free ships making free goods, which has been manifested by their practice, in the latter years of the American war, by the stipulations entered into at that time, and by their having inserted the same in their latest treaties. Of these, the treaties entered into between the United States and several European Powers, are amongst the most recent, and all are uniformly in favor of the principle, that free ships make free goods, and that this principle contains nothing dishonorable or improper, since she has adopted it in her commercial treaty with France; and it may not be amiss here to remark, that the commerce of the United States is as advantageous to Great Britain, taking all circumstances into consideration, as that of France has been. Supposing, then, the question of right to be waived, would it be deemed unreasonable for the United States to expect equal advantages with those France would have enjoyed in similar circumstances? But the right now contended for, appears not only supported by modern practice, but to be conformable to reason: for, if two nations have the misfortune of being engaged in war against each other, it is evidently contrary to the dictates of reason that a third, who has no concern in the quarrel, and has offended neither party, should be injured thereby, or be deprived from that intercourse with either, which is not immediately connected with military operations. And although People in a state of war have, in general, a right to seize or destroy their enemy’s property, yet they cannot be advised to pursue that purpose with regard to neutral territory, to which they are not entitled.

Mount Vernon, July 31, 1793.

Mr. Pinckney has the honor to add, that among the measures adopted by this Government, having actually liberated several British cargoes captured on board of neutral vessels. Most of the arguments opposed to the first measure, will apply with equal force, to that of bringing American provision vessels, bound to the unblockaded ports of France, into the blockaded ports of France; to this it may be said, that if Mr. Pinckney’s information is just, (and he has omitted no opportunity which his situation has afforded him of obtaining accurate intelligence on the subject) the reason assigned by writers on the law of nations, for measures of this nature, namely, well grounded hope of reducing an enemy by famine, does not apply, in the present instance; because the price of the articles pointed out in the additional instance mentioned, is lower in the British than in those of this kingdom, and there is by no means any scarcity. Arguments founded on the inconvenience attending the execution of measures, may fairly be adduced against their adoption; these are so numerous, and so obviously opposed to both the measures nor considered as creating a dangerous tendency among the citizens of the United States. Under this head, it may be observed, that, for want of arrangements being made for the security of American seamen in the ports of this country, they are subject to the various hardships Mr. Pinckney has so frequently detailed to Lord Grenville; of course their being captured and brought into these ports, a state of things which could not, under any circumstances, be avoided, would be a continuance of the export of the United States, if they are prevented from carrying that commodity to the French ports, they are not only deprived of that branch of commerce, but are prevented from drawing those commodities from France, for which they have less sale in Europe, for want of a proper and sure method of forwarding them. But, the measures by which, extending in their respective countries, may eventually diminish that friendship, which it is the interest, and he trusts, the desire, of both nations to augment.

These arguments might be detailed much more at length, and others added to corroborate them; but Mr. Pinckney contented himself only to state some of the reasons on which his observation was founded, to obviate the idea of his wishing to claim, in behalf of the United States, exceptions to which they are not, in reason, entitled. At the same time, he assures Lord Grenville of the due sense which will, at all times, be entertained by his country

* This alludes to rice not being included in the prohibition. T. P.
Mr. Pinckney, Minister Plenipotentiary of the United States with Great Britain, to Mr. Jefferson, Secretary of State.

LONDON, September 25, 1793.

DEAR SIR:

No alteration has taken place since my last, in the conduct of this Government towards the neutral Powers; they still observe the principles specified in their additional instructions, from being sent to French ports, and of making prize of their enemy's property, in whatever vessels it may be found; the execution of these measures, of course, creates much uneasiness among our citizens, whose commerce is much injured thereby. I receive assurances that their courts will amply redress the irregularities which may be committed by their cruisers, upon proper applications; but these are frequently of a nature, to be with difficulty brought under the cognizance of the Judiciary; and I find our seafaring people in general, rather inclined to submit to the first inconvenience, than risk the event of a lawsuit. The court of admiralty, in the beginning of the present month, adjudged freight, demurrage, and profit to a British armed vessel, as the American vessel, on which it was concludedious, that if it will be allowed in all other cases, which will, of course, prevent so many of our vessels from being brought in. The protection afforded our seamen, remains also on the same footing; they profess a willingness to secure to us all real American seamen, when proved to be such; but the proof they will not dispense with; our consuls are allowed to give protections, where the master of the vessel and the mariner, swear, that the party is an American native and citizen, which protections, in general, are respected, though some irregularities occasionally take place. So many objections are made to the arrangement we propose on this subject, that I see no prospect of its taking place.

I remain, &c.

THOMAS PINCKNEY.

The Secretary of State.

Extract from the Convention between his Britannic Majesty and the Empress of Russia, signed at London, the 25th of March, 1793.

ARTICLE 5d. Their said Majesties reciprocally engage to shut all their ports against French ships, not to permit the exportation in any case from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

ARTICLE 4th. Their Majesties engage, not out of their efforts to prevent other Powers, not implicated in this war, from giving, on this occasion of common concern to every civilized State, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French on the sea, or in the ports of France.

By the treaty between his Britannic Majesty and the King of Sardinia, signed at London, the 25th April, 1793, the latter engages to keep on foot, during the war, an army of fifty thousand men, for the defence of his dominions, as well as to act against the common enemy; and the former engages to send into the Mediterranean, a respectable fleet, to be employed as circumstances shall permit, in that quarter. By the 3d article, Great Britain is engaged to furnish to Sardinia, during the war, a subsidy of two hundred thousand pounds sterling, payable quarterly, in advance; the first payment at the date of this treaty. By the 3d article, his Britannic Majesty guarantees to his Sardinian Majesty, the restitution of all the parts of his dominions which have, or may be taken from him, during the war. The 4th and 5th articles make all hostilities, in consequence of this treaty, a common cause, and direct the exchange of ratifications in two months or sooner.

FURTHER PAPERS IN RELATION TO FRANCE.

[The following documents, not found among those communicated with the President's Message of December 5, 1795, were probably accidentally omitted to be transmitted to Congress at that time.]

Citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, Sept. 27, 1793, 3d year of the French republic.

SIR:

I send you the decree passed by the National Convention on the 9th of May, of the present year, relative to the conduct which ought to be observed by the vessels of France, towards the vessels of neutral Powers. I forward to you, at the same time, that of the 25th of the same month, which I have been charged to communicate to you, and which contains particular regulations in favor of American vessels. Every friend of humanity will doubtless, sir, do justice to the dispositions made by the decree of the 9th of May. By this law, the severest principles of justice towards the neutral parties are reconcilable with the rigorous measures rendered necessary by the detestable tyranny exercised over neutral nations by the governments which have forced France into war. In the 3d article, the National Convention solemnly manifest a view, the execution of which, has been long sought by reason and justice, that of seeing neutral nations enjoy every advantage which their neutrality ought to assure them, even with respect to enemy's goods on board their vessels. The mode of expressing this view, and the engagements entered into by the Convention, to withdraw those rigorous measures directed by their decree, as soon as the powers with whom they are at war shall have adopted the same disposition, are well calculated to procure the gratitude of neutral nations; to interest them more and more in her success, and to reconcile every people in the universe to the generous principles by which her diplomatic negotiations are directed.

I have the honor to be, with respect, your obedient servant.

ELI HAYMAN, Acting Secretary of the American Legation. Excision to the rigorous measures which France has been compelled to adopt, by that of the 9th May, against the vessels of neutral nations. The considerations which determined this decree were, on the one hand, the scrupulous faith with which France is disposed to observe, in its utmost extent, the treaty which unites her with the United States, and on the other, the thorough confidence which the Americans will not abuse this privilege by carrying to her enemies those productions by which they ought to assist in the defence of a cause as much their own as hers. She hopes she shall not be deceived in an attempt, which, in this instance is founded upon the principles and the friendship of her American brethren. I have been informed, that the English Government have declared their determination to carry into the English ports, all the American vessels laden with provisions for the ports of France. The French Republic expects, sir, that the Government of the United States, as well from attachment to her as from regard to its own commerce, and from the dignity it owes itself, will hasten to take the most energetic measures to procure a recall of this decision,
which is a consequence well adapted to that diplomatic audacity to which that court has long attempted to subject every other nation. If the measures which you shall take—measures which are in the spirit of our treaty, if not in its letter—are insufficient or fruitless, and that your neutrality, as it has hitherto been, can only be serviceable to the enemies of France, and unfortunate for herself, you will doubtless perceive, that she will exercise a very natural rigour on those who are to suffer by them. I have for the same reason little confidence in the promises of the United States. In the mean time, I am authorized to announce to you, that the French vessels, which at this moment are masters of the channel, and of the gulf of Biscay, are ordered to protect American vessels bound to France, and to assure their arrival at their destination. The vessels of the United States are to be considered as neutral vessels, notwithstanding the tyranny which, by force of the law, will over them by England, may direct, with security, their speculations for our ports, and give proofs of their attachment to us and to the cause of liberty.

Accept my respects.

GENET.

Decree directing French armed vessels to carry into the ports of the republic, neutral vessels loaded with provisions and bound to enemies' ports, pronounced in the sitting of the 5th of May, 1793, 2d year of the French republic.

Art. I. Ships of war and privateers are authorized to seize and carry into the ports of the republic, merchant vessels which are wholly or in part loaded with provisions, being neutral property, bound to an enemy's port, or having on board merchandise belonging to an enemy.

Art. II. Mercehandize belonging to the enemy is declared a lawful prize, seizible for the profit of the captor. Provisions being neutral property, shall be paid for at the price they would have sold for at the port where they were bound.

Art. III. On every occasion, neutral vessels shall be immediately released the moment the provisions found on board are removed. The interference shall be restricted to the power annexed to those vessels, afforded by the charterers; a proper compensation shall be granted for the detention of the vessels by the tribunals, who are ready to adjudicate the prizes.

Art. IV. These tribunals shall cause to be made out, within three days after the judgment has been given, a copy of the manifest of the provisions and goods found on board, to the Minister of Marine, and another copy to the Minister for Foreign Affairs.

Decree of the 23d of May, which declares that the vessels of the United States are not comprised in the regulations of the decree of the 5th of May.

The National Convention, after having heard the report of its committee of public safety, desiring to preserve the union established between the French republic and the United States of America, decrees that the vessels of the United States are not comprised in the regulations of the 9th of May, conformably to the 16th article of the treaty, passed the 16th of February, 1778. Certified to be true, and conformable to the decrees of the National Convention.

GENET.

Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

SIR,

I am directed to communicate to you a new decree of the National Convention, passed the 26th March, relative to the commerce of the United States, with our colonies. You will find in it, sir, fresh proofs of the attachment which France bears to the Americans, and of the interest which she takes in their prosperity. After having confirmed by the preceding decree, to their European commerce, every advantage they could wish during the present war, she has established between herself and her allies, in order to the formation of her colonies, of the productions of their soil and their industry, for the importation into the United States of part of her sugars, and her coffee, and for the exportation of every kind of colonial production to the ports of France, on the same footing with the French themselves. This law, constructive of that of the 19th February, appears such to me that I cannot conceive the United States could wish a more favorable one. I have been also charged to direct all the consuls and other agents of the French republic to attend to the equipments which may take place in the different ports of the United States for the French colonies, and, to prevent any violation of the regulations of the 1st and 3d articles of the enclosed decree; and I have every reason to believe that the Federal Government will cheerfully, and without delay, take the necessary steps, that the directions which I am about to give on this head shall meet with no difficulty on their part.

Hitherto, sir, the greatest part of my correspondence has only presented you with details distressing to a philosopher. The declaration of war, occasioned by tyranny against France in freedom, has only allowed me to speak to you of the military points fixed between our nations by the alliance which unites them; but I this day find a real pleasure in engaging your attention in details more consolatory, in details which cannot fail of being to you the most interesting, since they have no other object than the peaceable pursuits of man, as a social being—of man on whom philosophy is delighted to fasten her attention. Urged by the convictions which occasion the establishment that within itself of a constitution which annihilates every privilege, which stifles every prejudice; surrounded by all the force which tyranny and fanaticism can collect against her from every part of Europe; France, presenting in one hand the shield of liberty, and in the other the thunderbolt of war, already marks out by her inspiration those extensive enterprises which can refer to the whole species, will fix, in their execution the hands that attempt to prepare a regeneration for the inhabitants of the whole earth! Among these views her first attention has been fixed upon the commercial ties of the republic with other nations. The national convention has felt the immense satisfaction which enables them to enjoy the spectacle of that establishment which, in annihilating distances, unites, at the same spot, the productions and the enjoyments of every climate, and which, by connecting the human race, scattered over the earth, should collect them into one family only, constantly excited by the interchange which their mutual wants occasion. She has seen with grief every people groaning under commercial regulations, as absurd as they are tyrannical, every where the victims of tyranny and of greedy exactions she has seen them with horror; and having overcome seas, mountains, deserts, and every barrier which nature appeared to have placed between them, checked, in the moment when their efforts were to be crowned with success, by rules and ministerial regulations, which, impeding their genius, puts more insurmountable bars to (their intercourse, than those even which nature appears to have created. France, sir, perceiving the period when all nations will be freed from these obstacles, views the moment when every one, governed by the same laws, led by the same interests, and leading freely their activity over the face of the earth, find on it no other commercial guide than their own genius she has fixed her attention upon that happy period, and she has determined to accelerate its attainment that the fittest means to attain this end was to hold up the example of two people enjoying every advantage of a perfectly free communication, she has turned her eyes to the Americans; a people governed, like herself, without a king, and whose constitutional principles resemble her own—a people whose enlightened minds have, like her own, stifled, or are ready to stifle, all the
propositions of ignorance; a people, finally, whose struggles like her own with the obstacles which corrupt court systems oppose to their commercial activity; such a people appear to her whose she ought to connect herself with, to attain the great end she meditates it is with this people, to determine to conclude no treaty, which, founded upon the unchangeable principles of nature, may, by becoming an object of envy to other nations, invite them to participate in it, and may serve as a model to all those who in future form compacts between themselves.

Instead of the mutual interest of the contracting nations, she has only seen in the treaties hitherto made, a combination formed for an insatiable and ignorant system of taxation, deceitful calculations by interested individuals, and refinements upon a system equally repugnant to reason, justice, and sound policy. It is in the viciousness of those regulations she discovers the instability of every treaty hitherto made between governments, and the contempt in which the former were held, even among themselves, long before the commencement of this new war. France, as a traitor to the cause of humanity, has been common to all, only nullity, but a compact agreed to by both, and the duration of which shall depend for its support, not on a temporary interest, nor the understanding between two cabinets, but, on the real and settled interest of the two People.

It is with this view of the National interests of France, she leems to have established her colonies upon the principles of this country, that have extended to eleven millions, that their exports were scarcely two millions and a half; and that the same catalogue of nations to which she has now granted the greatest support and encouragement, the French colonies, and territories over which she has extended her sway, has been an important source of wealth to her. Instead of these colonies and territories, the French nation has seen since she has called from all parts for the introduction of provisions into her territories, America has hardly furnished the sixteenth part of the corn and grain which have been introduced there, and that fifteen sixteenths have been carried there by foreign nations, and even by those whose governments have forced them into a war with her! They have seen, with regret, that, after having considerably reduced the duties imposed upon your tobacco; that, after having admitted your fish and oil, (which obliged us to keep up premiums on our own establishments for the cool and whale fishery,) we do not enjoy with you any sort of favor for our exportations or importations, and that, after having taken off the duty on the freight by your vessels, you have imposed upon ours, a most exorbitant rate of tonnage.

The National Convention has been also informed, that, since the last war, the admission of Americans into the French colonies has thrown into their hands an immense sum of ready money, which that war had by those means been enabled to purchase the expenses of its administration, and which is secured to them by the intercourse, direct or indirect, with the Spanish and English colonies. It has been informed that they have exported all the syrups and molasses, the greatest part of the rum and taffia, and a prodigious quantity of sugar, coffee, and other colony produce, especially since the revolution has occasioned a neglect of the means of suppressing it. France, sir, has seen, without regretting, that a part of these immense productions have contributed to the prosperity of a people whose struggles for their liberty was seconded by her efforts; but she has also seen, with the most poignant grief, that the greatest part of these riches have only served to discharge your engagements with the English, and to gratify that sense of rivalship which has made her nation have served only to ruin her national commerce, without obtaining the smallest encouragement to her manufactures, and without furnishing the least opening for the superfluous productions of her soil. France, notwithstanding this disastrous policy, has paid far longer than she has grasped the commercial riches which increase in her, and her decrees are proofs of it, but she asks of you a just equivalent. She expects the part she yields to of her riches, far from being carried to a Power as much your enemy as her own, should have its natural effect in improving our mutual connection. She persuades herself that the extensive opening she offers to all your commodities, and especially of those which increase in her, will give an impulsion to the trade of her own nation. She wishes, finally, that the share which she gives of her riches of every kind, especially of the riches of her colonies, should furnish objects of exchange, not with your former tyrants, but with your allies, and with your trustiest friends, the French colonies, against England, lands which, she believes, the condemnation of Europe will not doubt that her first wish would be to see the English nation, under every influence, every interest, every object of commerce—a commerce which should have no other rule, or other bounds, than their own activity; but until that nation has freed itself from the fiscal system under which it groans; until it shall have renounced its plan of demeering on all seas, and over all commerce, until she agrees to abandon a system, as impolitic for her, as is revolting to other nations; France is forced to an opposition equal to the efforts of a ministry wishing to monopolize all commerce: she is forced to follow the steps of a system she disclaims, but which the interest of the French nation requires, so long as it shall be the ruling principle of the other Government.

I am unhappy, sir, to present to you, in the most unfortunate, and it would be afflicting to France, if I should fail in this attempt. It would be with the greatest regret that I should find myself compelled to announce to you the second part of my instructions, importing a declaration, in case of refusal, or evading it, of the repeal of the laws dictated by the attachment of the French to the Americans, and by a desire to unite closer ties which engage them. But I cannot fear an opposition on your part, considering the vast field I am directed to offer to your merchants; considering the life which such a compact would give to your agriculture, to your fisheries, to the improvement of your breed of cattle, to your lumber trades; considering the inexhaustible source of riches which the free commerce of the French colonies offers you, and especially in considering that France asks only, in return for these great benefits, that you take from her, instead of going to seek them from our common enemy, the clothes and the wine necessary for your consumption. Confident in this hope, happy in the great objects we are about to accomplish, I wait your pointing out a means of making this system, so advantageous to both nations, possible to both, (whether it is a national compact, which may be soon presented for the ratification of the representatives of the two People, and the simplicity which shall equal the grandeur of the end we ought to propose by it.)

Accept of my respect.

GENET.
the said States, may load in the said colonies, besides sugar, rum, taffia, and merchandise of France, a quantity of coffee equivalent to the fifteenth part of the burden of each vessel; as also a quantity of sugar equivalent to the tenth part of the burden, in conformity to the following articles:

Article III. Every captain of an American vessel, desiring to make a return into the United States in coffee and sugar of the French colonies, must prove that his vessel at her arrival had at least two-thirds of her lading according to the first article. To this effect he shall be bound to give into the custom house of the place of his landing, within twenty-four hours after his arrival, a certificate from the agents of the navy, ascertaining the gauge of his vessel and her effective burden. The officers of the said customs shall take care that the exportation of sugars and coffee do not exceed the proportions fixed by the 3d article of the present decree.

Article IV. The captains of vessels of the United States of America shall pay, on leaving the islands, in like manner as the vessels of the republic, only a duty of five livres for a hundred weight of indigo; ten livres for a thousand weight of cotton; five livres for a thousand weight of coffee; five livres for a thousand weight of lump-sugar; and fifty sous for a thousand weight of raw sugar. All other merchandise shall be free of all duty on leaving the said colonies.

Article V. The sugars and coffee that shall be loaded and shipped shall be entered into the custom houses, which are or shall be established in the colonies, under the penalties fixed, as aforesaid, those imposed by the law of the 19th of March, 1791, on the sugars and coffee imported from the said colonies into France, and conformably to the same law.

Article VI. The captains of vessels of the United States, desiring to take in goods in the said colonies for the ports of France, shall give into the custom house of the place of their departure, the securities required from the owners of French vessels by the 3d article of the law of the 10th of July, 1791, to ensure the landing of those goods in the ports of the republic.

Article VII. The vessels of those nations with which the French republic is not at war, may import into the French colonies of America all the articles specified by the present decree; they may also bring back, into the ports of the republic only, all the commodities of the said colonies, on the conditions mentioned in the said decree, as also in that of the 19th of February.

Certified to be true, and conformable to the decree of the National Convention.

GENET.

Copy of a letter from the Secretary of the State of the United States, to Citizen Genet, Minister Plenipotentiary of the French Republic to the United States.

GERMANTOWN, November 5, 1793.

Sir: I shall be late in acknowledging the receipt of your several letters written since my departure from Philadelphia, not having received any of them till the 24th ult, and most of them only the last night. I have already laid some of them before the President, and shall lay the others successively before him at as early moments as the pressure of business will admit.

I have now to transmit with the decree of the National Convention of March 26th, 1793, on the subject of a treaty of commerce was laid before him yesterday, and will be considered with all the respect and interest which its object necessarily requires. In the mean time, that I may be enabled to present him a faithful translation of the decree, I take the liberty of enclosing the copy to you with a prayer that you will have it examined by your original, and see whether there is not some error in the latter part of the 2d article, page 2, where the description of the cargo to be re-exported from the Islands is so unusual as to induce me to suspect on error in the copyist. Having to return the decree for re-examination, I take the liberty of doing the same by the letter covering it, as in the first line of the seventh page the sense appears to me incomplete, and I wish to be able to give it with correctness.

I have the honor to be, &c.

TH: JEFFERSON

Citizen Genet, Minister Plenipotentiary of the French republic, to Mr. Jefferson, Secretary of State of the United States.

NEW YORK, November 14, 1793.

Sir: Having been overwhelmed with business at the moment of my having the honor to transmit you the decree of the National Convention of the 26th of March last, it was impossible for me to look over the copy I sent, or that of the note with which it was accompanied. I am obliged by your sending back these pieces to me. I have examined and corrected the errors you were struck with, and I hasten to return it to you under the present cover. I have thought proper to add to it the copy of a letter which I have just written to the consuls of the Republic to acquaint them with the new regulations of the National Convention relative to the commerce with the United States, and of the obligations they impose on them. This decree, sir, presents to the Americans inestimable advantages. They can by this law carry to our colonies cargoes, the production of their fisheries, their provisions, of their agriculture, purchase colonial commodities with the sales of their cargoes, and complete their lading with freight, which are at this time offered in abundance, and at a high rate in all our islands. I do not think there can be any speculations more lucrative for them.

This law, moreover, grants you an advantage which the arrêt of 1784 had refused you, that of enabling you to import directly into the United States a quantity of sugar and coffee sufficient for your own consumption. This quantity has been estimated by the commercial committee of the National Convention at a fifth of the tonnage for the coffee, and at a tenth for the sugar. All these advantages, which there appears a disposition still to increase, if we obtain from the United States a just reciprocity, appear to me highly proper to call for all the attention of the federal government to the fate of our colonies. I beg you to lay before the President of the United States as soon as possible the decree and the enclosed note, and to obtain from him the earliest decision either as to the guaranty I have claimed the fulfilment of for our colonies, or, upon the mode of negotiation of the new treaty I was charged to propose to the United States, and which would make of the two nations but one family.

Accept my respect.

GENET.
SPAIN AND THE INDIANS.

Message from the President of the United States relative to the unsettled matters with Spain.

Gentlemen of the Senate and of the House of Representatives:

The present appearances of war between our two neighbors, Spain and England, cannot but excite all our attention. The part we are to act is uncertain, and will be difficult. The unsettled state of our dispute with Spain, may give a turn to it very different from what we would wish. As it is important that you should be fully apprized of our way of thinking on this subject, I have sketched, in the enclosed paper, general heads of consideration arising from present circumstances; these will be readily developed by your own reflections, and I am confident will not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between the war and by that sovereign; assumed; their boundaries with us made a subject of interference and at length, at the very moment when these savages were committing daily inroads upon our frontier, we were informed by them that the continuation of the peace, good harmony, and perfect friendship, of the two nations, was very improbable for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past.

Their previous correspondence had worn the appearance of a desire to urge on a disagreement, this last declaration left no room to evade it, since it could not be conceived we would submit to the scalping knife and tomahawk of the savage, without any resistance. I thought it time, therefore, to know if these were the views of their sovereign; and despatched a special messenger with instructions to our commissioners, which are among the papers now communicated. Their last letter gives us reason to expect very shortly to know the result. I must add, that the Spanish representatives here, perceiving that their last communication had made considerable impression, endeavored to afce this by some subsequent propositions, which, being also among the communications to the Legislature, they will be able to form their own conclusions.

GEO. WASHINGTON.

New York, August 2, 1790.

Dear Sir:

This letter will be delivered you by Colonel Humphreys, whose character is so well known to you, as to need no recommendations from me.

The present appearances of war between our two neighbors, Spain and England, cannot but excite all our attention. The part we are to act is uncertain, and will be difficult. The unsettled state of our dispute with Spain, may give a turn to it very different from what we would wish. As it is important that you should be fully apprized of our way of thinking on this subject, I have sketched, in the enclosed paper, general heads of consideration arising from present circumstances; these will be readily developed by your own reflections, and I am confident will not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between the war and by that sovereign; assumed; their boundaries with us made a subject of interference and at length, at the very moment when these savages were committing daily inroads upon our frontier, we were informed by them that the continuation of the peace, good harmony, and perfect friendship, of the two nations, was very improbable for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past.

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FOREIGN RELATIONS.

JAMES SEAGROVE.

Appointment of Mr. Jay.

In Congress, July 20, 1785.

On the report of a committee to whom was referred a letter of the 8th, from the Secretary for Foreign Affairs, enclosing a copy of the letter from Don Diego Garduqui,
Resolved, That the Honorable John Jay, Secretary to the United States of America for the Department of Foreign Affairs, be, and he hereby is, invested with full powers, in behalf of the United States of America, to treat, adjust, conclude, and sign, with Don Diego de Garduqui, the Encargado de Negocios of his Catholic Majesty, whatever conventions may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his Catholic Majesty, and for promoting the general harmony and mutual interests of the two nations.

Mr. Garduqui's Commission.

Don Carlos, by the grace of God King of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Coruca, of Murcia, of Jaen, of the Algarves, of Algecira, of Gibraltar, of the Canary islands, of the East and West Indies, of Amelia, of Apzburgh, of Flanders, of Tirol, and Barcelona, Lord of Biscay and of Molina, &c. &c. &c. Whereas there are many and very extensive territories in Florida appertaining to my crown, and bordering on others of the United States of the same America, it is very convenient to establish and fix the respective limits, and to regulate those other points on which, between friendly Powers and nations, it is always convenient and necessary to have established regulations, in order to obviate all differences: The good correspondence and harmony which subsists between us and the said United States of North America, and the intercourse and commerce which our respective subjects have with each other, requiring that the boundaries which shall continue in force should be regulated in the most positive and notorious manner: Wherefore, having entire satisfaction and confidence in you, Don Diego de Garduqui, commissary (ordener) of my armies, charged with my affairs near the Congress of the said States, on account of your capacity, understanding, and zeal, I have conferred upon you full power, that, with the person or persons whom the said States and their Congress shall equally authorize, you treat, adjust, and sign, whatever articles, compacts, and conventions, may be conducive to the regulations of the points herein alluded to, and of others which shall be conducive to the enjoyment of those important and beneficial objects. And that there may always be friendship and union, between the crown of Spain and the United States of North America, I promise, on my royal word, to approve, ratify, and fulfill, and cause to be observed and fulfilled, exactly and entirely, whatsoever shall be by you stipulated and signed.

In faith whereof, I have caused to be despatched these presents, signed with my hand, sealed with my privy seal, and certified by my underwritten Councillor of State, my first Secretary for the Despatches of State, at St. Ildencosus, the 27th of September, 1784.

JOSPEH MONINO.

Mr. Jay's Commission.

The United States, in Congress assembled. To all to whom these presents shall come, greeting:

His Catholic Majesty having, by his Encargado de Negocios near Congress, expressed his desire to treat and agree with the United States of America upon the points necessary to be adjusted, as being neighboring Powers, and who must have common interests and constant inducements to communication and intercourse; and having for that purpose granted plenipotentiary powers to Don Diego de Garduqui, his said Encargado de Negocios near Congress; and we being equally desirous of promoting the general harmony and mutual interests of the two nations; For these causes, and other good considerations thereunto moving, we, resposing special trust and confidence in the integrity, prudence, and ability, of our trusty and well beloved John Jay, Secretary to the United States of America for the Department of Foreign Affairs, have nominated, constituted, and appointed, and by these presents do nominate, on behalf of the United States of America, to treat, adjust, conclude, and sign, with the said Don Diego de Garduqui, his said Encargado de Negocios of his Catholic Majesty, vested with similar powers, whatever articles, compacts, and conventions, may be necessary for establishing and fixing the boundaries between the said United States and the said Spanish colonies; and have to him his said plenipotentiary power granted, and renewed, renewed, in full force, in all the points herein alluded to, as well as in such other points as may be necessary to the general harmony and mutual interest of the two nations; and we do hereby promise, in good faith, to approve, ratify, and fulfill, and cause to be observed and fulfilled, exactly and entirely, whatsoever shall be by him our said plenipotentiary stipulated and signed as aforesaid. In testimony whereof, we have caused the said plenipotentiary to be presumed affirmed.

Witness his Excellency Richard Henry Lee, President, this twenty-first day of July, in the year of our Lord one thousand seven hundred and eighty-five, and of the sovereignty and independence of the United States of America the tenth.

CHARLES THOMSON, Secretary.
The period is arrived that we have wished for many months, when there would be a full meeting of Congress, that you might refer to them the difficulties which you have manifested to me respecting the claim to navigate the river Mississippi, which is ill founded. I request the favor of you to do it as soon as possible, and that you will be pleased to mention to them the circumstance of the claim being made with respect to the passage of goods between the two banks belonging to his Majesty, from the extent of his conquests made by his royal arms over the English in East and West Florida, according to the dominion formerly held by the English, and the jurisdiction exercised by the commandant of Pensacola, on which it depended, as well as the countries to the east of the Mississippi, of which France has been deprived by the Convention of Bilbao and Don Baltazar de Villers, commandant of the post of Arkazan, for his Majesty, on the 28th of November, 1780.

His Majesty does not consider the regulation made between the United States and Great Britain, respecting the trade in the Ohio, as affecting his rights by his possessions, or by his dominions, but as a conditional agreement, in which they tacitly leave safe the territorial rights which he possessed in those parts.

Those territories were in that same state of conquest, and in possession neither of England nor the United States, when they disposed of them. There can be no doubt but that the treaty of 30th November, 1783, when the war between France and Spain was ended, could not fix the limits of countries which were not in possession. His Majesty, therefore, understands those stipulations as conditional, and dependent on the situation in which things might be left by a general peace.

The honorable Congress cannot be ignorant of the good and generous disposition of his Majesty towards the United States, and of the importance of his powerful friendship; his Majesty having been pleased to give so many strong proofs of favor to the Americans captive in Barbary, and those he afterwards afforded for aiding their commissioners for negotiating and obtaining peace with those Powers.

They should also be persuaded that the King enjoys so great consideration with those Powers, that, as being a nation which possesses the friendship of his Majesty, they may be sure of that of the Emperor of Morocco, and, in a great degree, of that contracted with the regency of Algiers. America has reason to fear the evil consequences which all their commerce would experience if his royal mediation should be withdrawn; for she would not only be deprived of that in the Mediterranean, but would also be much interrupted in that which she carries on through the Western Islands and Canaries, and even on her own coasts.

It appears to me equally just to remind the honorable Congress of the generosity with which his Majesty has disposed of his request, till now, the payment of the principal of the debts contracted by the United States both in Spain and America, being so delicate as not to apply even for the interest due thereon, notwithstanding the difficulties with which he provides for his treasury.

These facts appear sufficient to remove the difficulties you have manifested in respect of limits and the navigation of the Mississippi, in its greatest latitude the river which the United States would run, by not yielding, without delay, to the just rights of the King, of losing the only trade whose balance is in their favor, exposing themselves to the danger of enjoying it but ill, and of frustrating other compacts reciprocally useful, which time and of which he has the advantage.

The importance of this object is evident in all the States: for it is well known that all their productions meet with a ready sale in the markets of Spain, where they are paid for in gold and silver; whereas all other nations pay with manufactures, (in great part articles of luxury) with which they impoverish this country.

Spain, in its present state, is a consumer both in Europe and America. There is not a nation but what earnestly desires the friendship and favor of the King; and, as he has no occasion for the cod fish, oil, salmon, grain, flour, rice, nor other productions, he may, considering the right which obliges his subjects to provide themselves by their own industry, or other useful and important means, find it convenient to prohibit them, to remind this nation, at present a friend, that they have no treaty.

Whereas, in case they generously comply, the King will consider them in commerce as being the most favored nation, making reciprocal regulations, so that whenever one is made here favorable to Spain in regard to imports and exports, another equivalent to that of the United States shall be there made.

No one is ignorant of the great advantages which the United States derive from their trade with Spain, from whence they yearly extract millions, as well by their productions as by their navigation, which so much promotes the growth and maintenance of their marine.

Spain has no occasion for foreign commodities to become very brilliant in its proper dominions, and to find an advantageous consumption for its products and manufactures; so that the generosity and friendship which she manifests proceed solely from the benevolent attentions which, with a liberal hand, the King wishes to distinguish the United States in Europe.

In consideration that nothing be said of such difficulties, I believe that his Majesty will consent to guaranty to the United States their rights and dominions as they shall be left by our treaty. I will do my best endeavors on this and other points, and will interpose my prayers that his Majesty may adopt the most favorable measures in order that the interests of the debtors due from the United States to Spain may be made with such relaxations as may be convenient to them.

The honorable Congress will well perceive the importance of the guarantee and friendship of one of the first sovereigns in Europe, which will give consistency to their confederacy, and whose magnanimity desires only to proceed by equity, justice, and sincere desires of a constant friendship and good neighborhood.

I ought not, therefore, to doubt but that such an illustrious confederacy will entertain correspondent dispositions, and I hope you will not delay to promote it, and to advise me, as soon as possible, that so salutary a work may not be deferred, to which, for my part, I shall contribute with the greatest good will for the benefit of both nations.

I have the honor to be, &c.

Sir Don John Jay, &c.

Articles proposed by Don Diego de Garдоqui to be inserted in the Treaty with the United States.:

1. That all commercial regulations affecting each other shall be founded in perfect reciprocity. Spanish merchants shall have the same rights as native merchants in the United States; and American merchants shall enjoy all the commercial privileges of native merchants in the kingdom of Spain, and in the Canaries, and other islands belonging and adjacent thereto. The same privileges shall extend to their respective vessels and merchandise, consisting of the manufactures and productions of their respective countries.

2. That the reciprocal commerce of the United States and Spain may be conducted on the footing of the other. (except in such provinces in Spain into which none have been heretofore admitted, viz. Bilboa and Guipuzca) with such powers and privileges as shall be ascertained by a particular convention.

3. That the whole manufactures and productions of the United States (tobacco only excepted, which shall continue under its present regulations) may be imported in American or Spanish vessels into any parts of his Majesty's European dominions and islands aforesaid, in like manner as if they were the productions of Spain; and on the other hand, that the bona fide manufactures and productions of these dominions may be imported into the United States in Spanish or American vessels, in like manner as if they were the manufactures and productions of the said States: And, further, that all such duties and imposts as may mutually be thought necessary to lay on them, by either party, shall be ascertained and regulated on principles of exact reciprocity, by a tariff, to be formed by a convention of that purpose, to be negotiated and made within one year after the exchange of the ratification of this
treaty; and, in the mean time, that no other duties or imposts shall be exacted from each other's merchants and ships than such as may be payable by natives in like cases.

4. That, inasmuch as the United States, having mines of gold and silver, may often want supplies of spade for a circulating medium, His Catholic Majesty, as a proof of his good will, agrees to order the masts and timber which may, from time to time, be wanted for his royal navy, to be purchased, and paid for in specie, in the United States; provided the said masts and timber shall be of equal quality, and, when brought to Spain, shall not cost more than the like may there be had for from other countries.

5. It is agreed that the articles commonly inserted in other treaties of commerce, for mutual and reciprocal convenience, shall be inserted in this; and that this treaty, and every article and stipulation therein, shall continue in full force for —— years, to be computed from the day of the date hereof.

Extrait d'une représentation de Mr. Jay to Congress.—August 3, 1786.

It is certain, that, by means of the Canaries, our flour and other commodities will find the way to Spanish America; and the supply of that market, even by a circuitous route, cannot fail of affording a very lucrative vent for those articles.

Mr. Gardouqui is not personally averse to our visiting the Philippines, but his instructions do not reach that point. I hope that this may be carried; and, in that case, it is obvious we should be the better for the Acapulco trade.

Extrait d'un rapport de Mr. Jay to Congress, August 17, 1786.

Office for Foreign Affairs, August 17, 1786.

The Secretary of the United States for the Department of Foreign Affairs, in obedience to the order of Congress directing him to state to them, without delay, the territorial claims of Spain on the east side of the Mississippi, and the sentiments of France touching their right to navigate that river, reports:

That the time allotted for this report must necessarily render it concise and summary. It is certain that the claims admitted of by the two Floridas, and confounded that West Florida extends higher up the river Mississippi than is admitted by our treaty with Britain; but how much higher, exactly, your Secretary is uninformed, and has reason to think that Spain has not yet made up her own mind on that point.

Spain also claims certain posts and places on the Mississippi, of which she divested the English during the war; but how far they mean to stretch their claims over the adjacent country, the negotiations between Mr. Gardouqui and your Secretary have not as yet extended so minutely to that point as to enable him to determine.

On the 26th day of April, 1786, your Secretary, who was then at Madrid, wrote a letter to the Secretary for Foreign Affairs, of which the following is an extract:

"The Madrid Gazette of the 12th March contained a paragraph of which you ought not to be ignorant. I shall therefore copy it verbatim, and add a translation as literal as I can make it:

[TRANSLATION.]

"By a letter from the commandant general of the army of operations at the Havana, and Governor of Louisiana, his Majesty has advices that a detachment of sixty-five militia men and sixty Indians of the nations Ogasis, Sotu, and Putuamali, under the command of Don Eugenio Parre, a captain of militia, accompanied by Don Carlos Tydon, a sub lieutenant of militia, by Don Luis Chavalier, a man well versed in the language of the Indians, and by their chief justices Euteno and Naquin, which marched the 2d January, 1781, from the town of St. Luis of the Illinois, had possessed themselves of the post of St. Joseph, which the English occupied, at 220 leagues distance from that of the above mentioned St. Luis, having suffered, in so extensive a march and so rigorous a season, the greatest inconveniences from cold and hunger, exposed to continual risks from the country being possessed by savage nations, and facing the snow storms over parts covered with snow, and each one being obliged to carry provisions for his own subsistence, and various merchandises, which were necessary to content, in case of need, the barbarous nations through whom they were obliged to cross. The commander, by seasonable negotiations and precautions, prevented a considerable body of Indians who were in the devotion of the English, from opposing this expedition, for it would otherwise have been difficult to have accomplished the taking of the said post. They made prisoners of the few English they found in it, the others having, perhaps, retired in consequence of some prior notice. Don Eugenio Parre took possession, in the name of the King, of that place and its dependencies, and of the river of the Illinois; in consequence whereof of the standard of his Majesty was there displayed during the whole time. He took the English one, and delivered it, on his arrival at St. Luis, to Don Francisco Cruyol the commandant at that post.

"The destruction of the magazine of provisions and goods which the English had there the (greater part of which was divided among our Indians and those who lived at St. Joseph, as had been offered them in case they did not oppose our troops) was not the only advantage resulting from the success of this expedition; for thereby it became impossible for the English to execute this plan of attacking the fort of St. Luis of the Illinois; and it also served to intimidate those savage nations, and oblige them to promise to remain neutral, which they do at present."

"When you consider the ostensible object of this expedition, the distance of it, the formalities with which the place, the country, and the river were taken possession of in the name of his Catholic Majesty, I am persuaded it will not be necessary for me to swell this letter with remarks that would occur to a reader of far less penetration than yourself."

This is the only circumstance or transaction which your Secretary recollects to have heard, while in Spain, which induced him to suppose that his Catholic Majesty wished to acquire any lands east of the Mississippi, except the Floridas. Neither was the count de Florida Blanca, nor Mr. Gardouqui, who was then employed, nor Mr. Del Campo, ever hinted to your Secretary that a cession of any territory was expected or desired of the United States. All that was then insisted upon was our quitting all claim to the navigation of the Mississippi below our territories.

When your Secretary came to Paris, in the year 1783, Count Aranda, the Spanish ambassador there, appeared to have other ideas on the subject. Your Secretary's communications with him being detailed in his letter of the 17th of November, 1782, it does not appear necessary to repeat them here, nor to extract more from that letter than merely to observe, that the Count did mark a line on a map, as, and for, a proper line of boundary between Spain and the United States in that Western country. That same map is now in the possession of the Secretary of Congress. Although your Secretary has not yet obtained from Mr. Gardouqui an exact and explicit specification of the Spanish claims, yet he has good reason to believe that they fall very short of those suggested by Count Aranda.

Your Secretary thinks he should not omit inserting in this report the following extracts from the correspondence on these subjects between the Marquis de Lafayette and Count de Florida Blanca, viz.

[TRANSLATION.]

"Madrid, February 19, 1783.

Sir,

"Having had the honor to confer with your Excellency on the objects relative to the United States, and being soon to repair to the American Congress, I wish to be fully impressed with the result of our conversations. Instead of the indifference and even of the divisions which another nation would be glad to foresee, I am happy to have it in
my power to inform the United States of your good dispositions. It is to you, sir, I am indebted for this advantage; and in order to make it complete, and to make myself certain that I forgot nothing, give me leave to submit to your Excellency the report which I intend to lay before Congress.

"His Catholic Majesty desires that a lasting confidence and harmony may subsist between him and the United States; and he is determined, on his part, to do every thing that will be necessary to keep it up. The American charge des affaires is at this moment received as such, and your Excellency is going to treat of the interests of the two nations with the utmost kind of regard; you wait only until the Count de Aranda shall have notified his dispositions to him to present Mr. Carmichael to his Majesty.

"With respect to the limits, his Catholic Majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the Court of London. The fear of raising an object of dissen-

sion, is the only objection the King has to the free navigation of the river Mississippi.

"The Virginia tobacco, the naval stores, may furnish matter for reciprocal conventions in the treaty, and by means of the productions of America, arrangements might be made useful to her finances. When I had the honor to speak to you in favor of a diminution of the duties on cod fish, you have answered, that it would be necessary to give to France some advantage, and that, by virtue of former treaties, the English might set up pretensions to the same; but you will do in every respect all that will be in your power to satisfy America.

"I would, with very great pleasure, enter into every detail in which I foresee a connection between Spain and the United States, but I am not to be concerned in this happy work; the ministers of the United States and myself, whom you are going to send thither are to make it their business, and I content myself with reminding you of the general ideas you have given me. A word from you will satisfy me that I have not forgot any thing. The disposi-

tions of his Catholic Majesty are well known to the conductor of your Excellency will leave no pretence for misrepresentation. The alliance of the house of Bourbon with the United States, is founded on reciprocal interests; it will still acquire greater strength from the confidence which your Excellency wishes to establish.

"Such, sir, are the conclusions which I have drawn from our conferences, and the account which I intend to give to Congress, without having any mission for that purpose. I am acquainted with the sentiments of Congress, and I am convinced they will set a just value upon your dispositions. In permitting me to acquaint them with what I have seen, you lay a claim to my personal gratitude. I join the assurance of it to that of the respect with which I have the honor to be, &c.

"To His Excellency the Count de Florida Blanca.

"Pardo, February 22, 1783.

"SIR:

"I cannot comply better with your desire than by asking your leave to give you here my answer. You have perfectly well understood whatever I have had the honor to communicate to you with respect to our dispositions to wards the United States. I shall only add, that although it is his Majesty's intentions to abide for the present by the limits established by the treaty of the 30th of November, 1783, between the English and the Americans, the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States.

"I have the honor to be, &c.

"To the Marquis de Lafayette.

"Florida Blanca.

"Madrid, February 22, 1783.

"On receiving the answer of the Count de Florida Blanca, I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by the treaty between the English and Americans; that his remark related only to more unimportant details, which he wished to receive from the Spanish commandants, which would be amicably regulated, and would, by no means, oppose the general principle. I asked him, before the ambassador of France, whether he would give me his word of honor for it? He assured me he could, and that I might engage it to the United States.

"LAFAYETTE.

Copy of a letter from Mr. Jay to Mr. Gardinier.

Office for Foreign Affairs, October 17, 1786.

SIR: I have the honor of informing you that Congress have deemed it expedient, in the present situation of affairs, to refer their negotiations with his Catholic Majesty to the Federal Government, which is to assemble in March next. The dissolution of one government, and the establishment of another, form a period little adapted to negotiations, especially in a popular government. The inconveniences which thence arise are obvious, and need not be enum-

erated, especially as you are well aware, that the term of the present Congress is nearly expired, and that a suc-

ceeding Congress, adequate to such business, will not probably convene during the winter.

As these facts render the measure in question proper, I am persuaded you will so represent and explain it to his Catholic Majesty as that it may be ascribed to the peculiar situation of our National Government, and not to any desire or disposition to postpone a business which it is the interest of both parties to have speedily and satisfactorily settled.

I have the honor to be, &c.

JOHN JAY.

December 22, 1791.

The Secretary of State reports, to the President of the United States, that one of the commissioners of Spain, in the name of both, has lately communicated to him verbally, by order of his court, that his Catholic Majesty, app-

proaching with solicitude to have some arrangements made respecting the free navigation of the river Mississippi, and the use of a port thereon, is ready to enter into treaty thereon at Madrid.

The Secretary of State is of opinion that this ought to be attended to without delay, and that the proposal of treating at Madrid, though not what might have been desired, should yet be accepted, and a commission pleni-

potentiary made out for the purpose.

That Mr. Carmichael, the present chargé des affaires of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the com-

missions; but that it would be useful also to join with him some person more particularly acquainted with the circum-

stances of the navigation to be treated of.

That the fund appropriated by the act providing the means of intercourse between the United States and foreign nation, is insufficient to furnish the ordinary and regular demands on it, and is consequently inadequate to the mis-

ion of an additional commissioner express from hence.

That, therefore, it will be advisable, on this account, as well as for the sake of despatch, to constitute some one of the ministers of the United States in Europe, jointly with Mr. Carmichael, commissioners pleni-potentiary for the special purpose of negotiating and concluding, with any person or persons duly authorized by his Catholic Ma-
jesty, a convention or treaty for the free navigation of the river Mississippi by the citizens of the United States, under such accommodations with respect to a port, and other circumstances, as may render the said navigation practicable, useful, and free from disputes; saving to the President and Senate their respective rights as to their ratification of the same; and that the said negotiation be at Madrid, or such other place in Spain, as shall be desired by his Catholic Majesty.

TH: JEFFERSON.

MARCH 18, 1792.

The appointment of Mr. Carmichael and Mr. Short, as commissioners to negotiate, with the court of Spain, a treaty or convention respecting the free navigation of the Mississippi, has excited the interests, rendering it necessary that the subjects to be treated of should be developed, and the conditions of arrangement explained:

The Secretaries of State reports to the President of the United States, the following observations on the subjects of negotiation between the United States of America and the court of Spain, to be communicated by way of instruction to the commissioners of the United States, appointed as before mentioned, to manage that negotiation:

These subjects are.

I. Boundary.
II. The navigation of the Mississippi.

1. As to boundary, that between Georgia and Florida is the only one which will need any explanation. Spain sets up a claim to possessions within the State of Georgia, founded on her having rescued them by force from the British during the late war. The following view of that subject seems to admit no reply:

The composition of the United States of America was, from their first establishment, separate and distinct societies, dependent on no other society of men whatever. They continued at the head of their respective governments the executive magistrate who presided over the one they had left, and thereby secured, in effect, a constant amity with the nation. In this stage of their government their several boundaries were fixed; and particular agreements, of the voluntary cession of territory to the other, are one class of events which might render some difficulty with regard to the extent from the Apalachicola westwardly; and the western boundary, originally the Pacific ocean, was, by the treaty of Paris, reduced to the middle of the Mississippi. The part which our chief magistrate took in a war, waged against the nation among whom he resided, obliged us to discourse to him, and to name to each, within every State. In the course of this war we were at war with France and Holland, and by Spain and Holland, and by Spain, having a common enemy, each sought that common enemy wherever they could find him. France, on our invitation, landed a large army within our territories, continued it with us two years, and aided us in recovering sundry places from the possession of the enemy. The British, on their part, entered into the remote western part of our territory, dislodged the common enemy from several posts they held therein, to the annoyance of Spain; and perhaps thought it necessary in some of them, as the only means of preventing their return. We, in like manner, dislodged them from several posts in the same western territory, to wit: Vincennes, Cahokia, Kasukaska, &c. rescued the inhabitants, and retained constantly afterwards both them and the territory under our possession and government. At the conclusion of the war, Great Britain, on the 30th of November, 1783, by treaty acknowledged our independence, and our boundary, to wit: the Mississippi to the westward, and Floridas to the southward, a line of the 31st degree, &c. to the south. In her treaty with Spain, concluded seven weeks afterwards, to wit, January 20th, 1783, she ceded to her the two Floridas, which had been defined in the proclamation of 1763, and Minorca; and by the eighth article of the treaty, Spain agreed to restore, without compensation, all the territories conquered by her, and not included in the treaty, either under the head of cessions or restitutions, that is to say, all except Minorca and the Floridas. According to this stipulation, Spain was expressly bound to have delivered up the possessions she had taken within the limits of Georgia, to Great Britain, if they were conquests on Great Britain, who was to deliver them over to the United States; or rather, she should have delivered them to the United States themselves, as standing opusloc in the place of Great Britain. And she was bound by the natural right to deliver them as fast as the United States represented on a much stronger ground, as the real and only proprietors of those places which she had taken possession of in a moment of danger, without having had any cause of war with the United States, to whom they belonged, and without having declared any; but, on the contrary, conducting herself as a friend and ally, and delivering to them the Florida, Vattel, l. 3, § 331.

It is an established principle, that conquest gives only an incitative right, which does not become perfect till confirmed by the treaty of peace, and by a renunciation or abandonment by the former proprietor. Had Great Britain been that former proprietor, she was so far from confirming to Spain the right to the territory of Georgia, invaded by Spain, she expressly relinquished to the United States any right they might acquire, and afterwards completed that relinquishment, by procuring and consolidating with it the agreement of Spain herself to restore such territory without compensation. It is still more palpable, that a war existing between two nations, as Spain and Great Britain, could give to neither the right to seize and appropriate the territory of the other, which, on every neutral, much less which is an associate in the war, as the United States were with Spain. See, on this subject, Grotius, l. 3, c. 6, § 26. Puffendorf, l. 8, c. 17, § 23. Vattel, l. 3, § 197, 198.

On the conclusion of the general peace, the United States lost no time in requiring Spain an evacuation of their territory. This has been hitherto delayed by means which we need not explain to that court, but which have been equally contrary to our right and to our consent.

Should Spain pretend, as has been intimated, that there was a secret article of treaty between the United States and Great Britain, agreeing if at the close of the war the latter should retain the Floridas, that then the southern boundary of Georgia should be the base of the 31st degree, it is evident that by the agreement of such an article, all knowledge of the fact, and refuse conference on any such postulate. Or should they find it necessary to enter into argument on the subject, they will of course do it hypothetically; and in that way may justly say, on the part of the United States, that they had made the concessions that the United States, exhausted by a bloody and expensive war with Great Britain, might have been willing to have purchased peace by relinquishing, under a particular contingency, a small part of their territory, it does not follow that the same United States, recruited and better organized, must relinquish the same territory to Spain without striking a blow. The United States, too, have irrevocably put it out of their power to do it, by a new convention, the invasion of its territory, so indeed, might, by necessity, supersede this stipulation, (as necessity is above all law) and oblige them to abandon a part of a States but nothing short of this can justify or obtain such an abandonment.

In regard to the division of Georgia, it is limited to on:

1. The charter of Carolina to the lords proprietors, in 1663, extending southwardly to the river Mattox, now called St. John, supposed in the charter to be in latitude 31°, and so west in a direct line as far as the South Sea. See, on this subject, in 4th Mémoires de l’Amérique, 534.

2. On the partition treaty with the Britons in 1763, establishing the boundary between Georgia and the two Floridas to begin on the Mississippi, in thirty-one degrees of latitude north of the equator, and running eastwardly to the Apalachicola; thence, along the said river to the mouth of the Flint; thence, in a direct line, to the source of St. Mary’s river, and down the same to the ocean. This proclamation will be found in Postlethwayte’s voce "British America."

*Mr. Short is desired to purchase this book at Amsterdam, or Paris, as he may not find it at Madrid, and when it shall have answered the purposes of this mission, let it be sent here for the use of the Secretary of State’s office.
3. On the treaties between the United States and Great Britain, of November 30, 1782, and September 3, 1783, repeating and confirming these ancient boundaries.

3. The navigation of the Mississippi.

Our right to navigate that river, from its source to where our southern boundary strikes it, is not questioned. It is from that point downwards, only, that the exclusive navigation is claimed by Spain; that is to say, where she holds the river, to the mouth of it; and Florida.

Our right to participate in the navigation of that part of the river, also, is to be considered, under


1. The war of 1756-1763, was carried on jointly by Great Britain and the thirteen colonies, now the United States of America, against France and Spain. At the peace which was negotiated by our common magistrate, a right was secured to the subjects of Great Britain (the common designation of all those under his government) to navigate the Mississippi in its whole breadth and length, from its source to the sea, and expressly that part which is between the island of New Orleans and the right bank of the river, as well as the passage both in and out of its mouth; and that vessels should not be stopped, visited, or subjected to the payment of any duty whatsoever. These are the words of the treaty, article VII. Florida was at the same time ceded by Spain, and its extent westwardly was fixed to the lakes of Florida, and to the river Heredia; and some part of the island of New Orleans, and all the country she held westward of the Mississippi, subject of course to our right of navigating between that country and the island previously granted to us by France. This right was not parcelled out to us in severality, that is to say, to each the exclusive navigation of so much of the river as was adjacent to our several shores—in which case it might have been useless to us. It was placed on that footing only alone it could be worth any thing, to wit: as a right to all to navigate the whole length of the river in common. The import of the words and the reason of the thing proved it was a right of common in the whole, and not a several right to each of a particular part. To which may be added the evidence of the stipulation itself, that we should navigate between the east and west bank, which, being adjacent to none of our States, could be held by us only as a right of common. Such was the nature of our right to navigate the Mississippi, as far as established by the treaty of Paris.

2. In course of the Revolutionary war, in which the thirteen colonies, Spain, and France, were opposed to Great Britain, Spain took possession of several posts held by the British in Florida. It is unnecessary to inquire whether the possession of half a dozen posts scattered through a country of seven or eight hundred miles extent, could be considered as the possession and conquest of that country. If it was, it gave still but an inchoate right, as was before explained, to that part of the river, and the navigation of it, by the relinquishment of the former possession at the close of the war, but certainly it could not be considered as a conquest of the river, even against Great Britain, since the possession of the shores, to wit, of the island of New Orleans on the southe, and Louisana on the other, having undergone no change, the right in the water would remain the same, if considered only in relation to them; and if considered as a distinct right, independent of the shores, then no navy, victories gained by Spain, or victories gained by France, gave her the color of conquest over any water which the British fleet could enter. Still less can she be considered as having conquered the river, as against the United States, with whom she was not at war. We had a common right of navigation in the part of the river between Florida, the island of New Orleans, and the western bank, and nothing which passed between Spain and Great Britain, either during the war, or at its conclusion, could lessen that right. Accordingly, at the treaty of November, 1782, Great Britain confirmed the rights of the United States to the navigation of the Mississippi river, from its source to its mouth, and in January, 1783, completed the right of Spain to the territory of Florida, by the negative relinquishment of all her rights in it. This relinquishment could not include the navigation held by the United States in their own right, because this right existed in themselves only, and was not in Great Britain. If it added any thing to the rights of Spain respecting the river between the eastern and western banks, it became of no more moment, because it retained the right to the United States, under the treaty with the United States, held seven weeks before, to wit, a right of using it in common with the United States.

So that as the treaty of 1763, the United States had obtained a common right of navigating the whole river from its source to its mouth, by the treaty of 1782, that common right was confirmed to them by the only power with whom they had claims against them, founded on the state of war nor has that common right been transferred to Spain by either conquest or cession.

But our right is built on ground still broader and more unquestionable, to wit:

3. The nature and extent of the Spanish sovereignty over the Mississippi.

If we appeal to this, as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a man, savage or civilized, unbiased by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same polity, such as the French and Spanish colonies, the right to the rivers, to the navigation of them, is by nature open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream in any case obstructed, it is an act of force by a stronger society against a weaker, contrary to the spirit and letter of the great and early principle of the natural union of sentiment on this point; as it is believed that Amsterdam had scarcely an advocate out of Holland, and even there its pretensions were advocated on the ground of treaties, and not of natural right. (The commissioners would do well to examine thoroughly what was written on this occasion.) The commissioners will be able perhaps to find, either in the practice or the pretensions of Spain, as to the Dauro, Tagus, and Guadiana, some acknowledgments.
ments of this principle on the part of that nation. This sentiment of right in favor of the upper inhabitants must become stronger in the proportion which their extent of country bears to the lower. The United States hold 600,000 square miles of territory and, by the justice of this present law, their rights to navigation and commerce on many thousands of miles of navigable waters penetrating this territory in all its parts. The inhabitable ground on the lower side of the Mississippi is far below our boundary and bordering on the river, which alone can pretend any fear of being incommoded by our use of the river, are not the thousandth part of that extent. This vast portion of the territory of the United States has no other outlet to the sea, and if the maritime claims of the lower side of the river may not be only innocent, as to the Spanish subjects on the river, but cannot fail to enrich them far beyond their present condition. The real interests then of all the inhabitants, upper and lower, concur in fact with their right.

If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that, were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still an innocent passage along it is a natural right of those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because, not being in a state of partition, they have no exclusive right by usage through which they are to pass. But it is still a right as real as any other right, however well defined; and were it to be refused, or to be so shackled by regulations, not necessary for the peace or safety of its inhabitants, as to render its use impracticable to us, it would then be an injury, of which we should be entitled to demand redress. The right of the upper inhabitants to use the river, of course, is not a right to an exclusive use, but a right of utility, and founded in the same natural relations with the soil and water. And the line at which their rights meet is to be advanced or withdrawn, so as to equalize the inconveniences resulting to each party from the exercise of the right by the other. This estimate is to be equalized with a natural disposition to make equal sacrifices, and the matter on each side is to have their due weight in the estimate. Spain holds so very small a tract of habitable land on either side beyond our boundary, that it may in fact be considered as a strait of the sea; for though it is 80 leagues from our boundary to the mouth of the river, yet it is only here and there in spots and slips that the land rises above the level of the water in times of inundation. There are, then, and ever must be, so few inhabitants on her part of the river, that the freest use of its navigation may be admitted to us without their annoyance. For authorities on this subject, see Grot. 1. 2. c. 2. § 3, 11, 12, 13, 15, c. 3, § 7, 8, 12. Pullendorf. 1. 3. c. 3. § 3, 4, 5, 6. Wolff's Inst. § 310, 311, 312.

Val. 1. § 11. Inst. § 12.

It is essential to the interests of both parties that the navigation of the river be free both to, on the footing on which it was defined by the treaty of Paris, viz.: through its whole breadth. The channel of the Mississippi is remarkably widening, crossing and recrossing perpetually from one side to the other on the central bank. The postern, the eddies, the eddy setting upwars, and it is by taking advantage of these eddies, and constantly crossing from one to another of them, that boats are enabled to ascend the river. Without this right the whole river would be impracticable both to the Americans and Spaniards.

A navigable river gives right to the means, without which it could not be used, that is to say, that the means follow their end. Thus, a right to navigate a river, draws to it a right to use vessels to its shores, to land on them in cases of distress, or for other necessary purposes, &c.

The Roman law, which, like other municipal laws, placed the navigation of their rivers on the footing of nature, as to their own citizens, by declaring them public, (Flumina publica sunt, loco est populi Romani, Inst. 1. 2. t. 2. § 2.) it was declared also that the citizens of every nation was a subject, that is to say, does not belong to the water. Ibid, § 1, 3, 4, 5. The laws of every country probably do the same. This must have been so understood between France and Great Britain, at the Treaty of Paris, when a right was ceded to British subjects to navigate the whole of it and express it for the whole part belonging to the island of Orleans, and the navigation without stipulations. But all the notice about the use of the shores, though both of them belonged then to France, and were to belong immediately to Spain. Had not the use of the shores been considered as incident to that of the water, it would have been expressly stipulated; since its necessity was too obvious to have escaped either party. Accordingly, all British subjects used the shores habitually for the purposes necessary to the navigation of the river; and when a Spanish Governor undertook at one time to forbid this, and even cut loose the vessels fastening to the shores, a British frigate went immediately, moored itself to the shore opposite the town of New Orleans, and set out guards with orders to fire on such as might attempt to disturb her navigation. The Governor acquiesced, the right was constantly exercised afterwards, and no interruption ever offered.

This incidental right extends even beyond the shores, when circumstances render it necessary to the exercise of the principal right. It is a principle, that where a vessel is of such a size as to be unable to proceed, she should be relieved, she may remove its safety from the ground the water. The Roman law shall be quoted here, because it gives a good idea both of the extent and the limitations of this right. Ins. 1. 2. t. 1. § 4. Riparum quoque usus publicus est, ut voluerat juraetum, sicut et ipsius fluminis usus publicus est. Iacque et navigatio ad ripam quoque publicam est. Et quodem si quis editti, editti in ea parte, ea parte et nullus, quia est sicut nec per flumen ipsum navigare quisquam prohibetur. And again, § 5, litorium quoque usus publicus, sive juri est, ut et ipsius maris et ob id data est facultas voluntatis, casas iabi componere, in quae se recipere possant, &c. Again, § 1. Nemo legitur ad littora maris accedere nec eum siadem consueput, nisi publico appelloer, sic tamen ut a villis, id est domicilios munimentisque eis posse, et ab editibus abstinent, nec eis damnum interfaret.

Among incidental rights are those of having pilots, buoys, beacons, landmarks, light houses, &c. to guide the navigators. The establishment of these at joint expense, and under joint regulations, may be the subject of a separate and convenient regulation.

Very peculiar circumstances attending the river Mississippi, require that the incidental right of accommodation on the banks and wharves, on which many occasional exercise on other rivers, should be habitual and constant on this. Sea vessels cannot navigate that river, nor the river vessels go to sea. The navigation would be useless then without entrepôt, where these vessels might safely deposit their own cargoes, and take those left by the others; and where warehouses and houses might be constantly established for the safeguard of the cargoes. It is admitted, indeed, that this incidental right thus extended into the territory of the bordering inhabitants, is liable to stricter modifications in proportion as it interferes with their territorial right. But the inconveniences of both parties are still to have their weight, and reason and moderation on both sides are to draw the line between them. As to this, we count much on the liberality of Spain, on her concurrence in opinion with us, that it is for the interest of both parties to remove com-

* Rivers belong to the public, that is to say to the Roman people.  
† The use of the banks belongs also to the public by the law of nations, as the use of the river itself does. Therefore every one is free to moor his vessel to the bank, to fasten his cables to the trees growing on it, to depurate the cargo of his vessel in those places in like manner as every one is free to navigate the river itself.  
‡ The use of the shores also belongs to the public, or is under the law of nations, as is that of the sea itself. Therefore it is that those who choose, have a right to build huts there, into which they may betake themselves.  
§ Nobody, therefore, is prohibited from landing on the sea shore, walking there, or mooring their vessel there, so never-theless that they keep out of the villas, that is, the habitations, monuments, and public buildings, erected there, and do them no injury.
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2. the expedient to modifications to us, answer to time of most

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1. That neither the vessels, cargoes, or the persons on board, be stopped, visited, or subjected to the payment of any duty whatsoever; or, if a visit must be permitted, that it be under such restrictions as to produce the least possible inconvenience. But it should be altogether avoided, if possible, as the parent of perpetual broils.

3. That such conveniences be allowed us ashore, as may render our right of navigation practicable and under such restrictions of peace and safety, to prevent the use of our vessels, cargoes, vessels, or persons, for any purpose against our navigation, or raise a revenue on it. While the substance of this article is made a sine qua non, the modifications of it are left altogether to the discretion and management of the commissioners.

4. That the inn has a fifth sentence, to make it express our request in the form of a question. But, however disagreeable it would be to subscribe to such a sentiment, yet, were the conclusion of a treaty to hang on that single object, it would be expedient to waive it, and to meet, at a future day, the consequences of any resumption they may pretend to make, rather than at present, those of a surrender without consent to any agreement.

We know not whether Spain has it in idea to ask a compensation for the ascertainment of our right.

1. In the first place, she cannot in reason ask a compensation for yielding what we have a right to, that is to say, the passage of all the conveniences incident to it of natural right.

2. In the second place, we have the right to demand indemnification for the years exclusion from that navigation, and a reimbursement of the heavy duties (not less for the most part than 15 per cent, on extravagant valuations) levied on the commodities she has permitted to pass to New Orleans. The relinquishing of this will be no unworthy equivalent, and, beyond that, every let us be brought into view in proper time and manner, merely to be abandoned in consideration of such accommodations. We have nothing else to give in exchange. For as to territory, we have neither the right nor the disposition to accommodate ourselves to what belongs to any member of our Union. Such a proposition, therefore, is totally inadmissible, and not to be treated of for a moment.

"The most favored nation."
3. On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object, then, was, to obtain our renunciation of the navigation, and to hold out commercial arrangements, perhaps as a lure to us; perhaps to make better terms for the rest. But, to be sure, now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation; or, may wish for them, to have the appearance of receiving a consideration.

Commercial arrangements, if acceptable in themselves, will not be the less so if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis of a commercial treaty: 1. That of exchanging the privileges of native citizens; or, 2. Those of the most favored nation.

1. With the nations holding important possessions in America, we are ready to exchange the rights of native citizens, provided they are reciprocal and equal, and on the whole advantageous to both parties. But the propositions of Spain, made on the former occasion, (a copy of which accompanies this) were, that we should give their merchants, vessels, and productions, the privilege of native merchants, vessels, and productions, through the whole of our possessions, free of all the duties which we impose on similar articles from other sources. This is impossible, because unequal; and, as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

2. Though treaties, which merely exchange the rights of the most favored nations, are not without all inconvenience, yet they have their conveniences also. It is an important one, that they leave each party free to make what internal regulations they please, and to give what preferences they find expedient to native merchants, vessels, and productions. And as we already have treaties on this basis, with France, Holland, Sweden, and Prussia, the two former of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we are sensible it is right to place that nation on the most favored footing, whether we have a treaty with them or not, and it can do us no harm to secure by treaty a reciprocity of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model. But it would be useless to propose the Prussian; because we have already supposed that Spain would never consent to those articles which have been used in the French model.

As an accommodation to Spain, and yet making the best terms in the interest we can, we might propose the following conditions: that we should have the right of appointing certain persons to act as our agents, with suitable characters to negotiate with the Barbary states to keep up, by rotation, a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break open, may induce her to submit and comply with this arrangement.

Article 5 being an exemption from a particular duty in France, will, of course be omitted, as inapplicable to Spain.

Article 8 being an exception from doing business, as unnecessary with Morocco, and inexcusable with any of the Barbary states, may be accommodated to Spain. It would be a sound arrangement to have the Barbary states, together with the Barbary states to keep up, by rotation, a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break open, may induce her to submit and comply with this arrangement.

Article 9 and 10, concerning fisheries, to be omitted, as inapplicable.

Article 11, the first paragraph of this article, respecting the droit d'aubaine, to be omitted by law being supposed to exist naturally in France.

Article 17, giving asylum in the ports of either to the armed vessels of the other, with the prizes taken from the enemies of that other, must be qualified as it is in the 19th article of the Prussian treaty; as the stipulation in the latter part of the article, "that no shelter or refuge shall be given in the ports of the one to such as shall have made prize in the other," is a provision of the highest importance, which we should have a right to demand, to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former under the latter—a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 20. Consuls should be received in all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America. Free ports in the Spanish possessions in America, and particularly at the Havana, San Domingo, in the island of that name, and St. John of Porto Rico, are more to be desired than expected. It can, therefore, only be recommended to the best endeavors of the commissioners to obtain them. It will be something to obtain for our vessels, flour, &c. admission to those ports during their pleasure.

As it is, or should it be, the wish of the most of the nation, that the treaty should be of short duration, it is not to be supposed that the conditions of it, which have not been discussed, will be very easy to be editorially defined. Our commercial rights have been so long in the hands of the nation, that they will not easily be sacrificed. But, to wish for them, and to have them, are two different things. This is not to be expected at the present moment. We might, perhaps, have, at an early day, a treaty of navigation and commerce, which should be of a term of twelve months, to be renewed every year. It is much easier to give an idea of a treaty of this kind, than to bring it into discussion, and to prepare them for it by information and reflection from hence.

Our commerce, too, is, as yet, rather in a course of experiment, and the channels in which it will ultimately flow, are not sufficiently known to enable us to provide for it by special arrangement. Nor are the exigencies of our new government, as yet, so far developed themselves, as that we can know to what degree we may or may not be able to sacrifice, or what novel restrictions we may be called upon to adopt, in commerce.

We do not, however, think that a treaty of commerce of a similar kind is premature at this moment, but that the establishment of navigation and trade on the Mississippi, which we have just met with, will precede any arrangement of the kind. Perhaps nothing should do it with any nation, short of the privileges of natives in all their possessions, foreign and domestic.

It was to be wished, indeed, that some positively favorable stipulations respecting our grain, flour, and fish, could be obtained, even our giving reciprocal advantages to some other commodities of Spain; say her wines and brandies.

But, 1st, if we quit the ground of the most favored nation, to certain articles for our convenience, Spain may invade the same for other articles for her convenience, and thus our commissioners will get themselves on the ground of a treaty of detail, for which they will not be prepared.

2d. If we grant favor to the wines and brandies of Spain, then Portugal and France will demand the same; and in order to create an equivalent, Portugal may lay a duty on our fish and grain, and France, a prohibition on our wines, which will not only ruin our merchants, but be a very great inconvenience in the whole of both nations.

Thus much, however, as to grain and flour, may be attempted: There has, not long since, been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain. We, therefore, now, not generally impose any duties on similar things pending a treaty concerning them. On this consideration, and on the motive of cultivating our friendship, perhaps the commissioners may be induced to them to restore this commodity to the footing on which it was, on opening the conferences with Mr. Gardoqui, on the 35th day of July, 1785. If Spain says, "do the same by you toward our vessels," then, at least, if their government will have the dignity of the States-General, we shall have a duty in Spain on fish very little, and on grain very moderate. This would be a very considerable advantage to us, and would make the duties in Spain an advantage, and other nations very little. Consequently, there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would, in fact, only be aiding the interests of her rival nations, to whom we should be forced to extend the same indulgence. At the time of opening the conferences, too, we had as yet not erected any system; our Government
itself being not yet erected. Innovation then was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general grounds; on ground favorable to Spain. But they had a system, and, therefore, innovation was unavoidable on their part.

It is known to the commissioners that we found it expedient to ask the interposition of France, lately, to bring on this settlement of our boundary, and the navigation of the Mississippi. How far that interposition has contributed to produce it, is uncertain. But we have reason to believe that her further interference would not produce an agreeable effect on Spain. The commissioners, therefore, are to avoid all further communications with the minister of France, giving to them such explanations as may preserve their good dispositions. But if, ultimately, they shall find themselves unable to bring Spain to agreement on the subject of navigation and boundary, the interposition of France, as a mutual friend, and the guarantee of our limits, is then to be asked, in whatever light Spain may choose to consider it.

Should the negotiations on the subject of navigation and boundary assume, at any time, an unpleasant aspect, it may be proper that Spain should be given to understand, that, if they are discontinued without coming to any agreement, the Government, which shall then be formed, reserved for itself, and for the future, the right of definitely settling the western inhabitants of the Mississippi. At the same time the abandonment of the negotiations should be so managed as that, without encountering a further suspension of the exercise of our rights, we may not be committed to resume them on the instant. The present turbulent situation of Europe cannot leave us long without a safe occasion of resuming our territory and navigation, and, in caring for ourselves those conveniences, on the shores, which may facilitate and protect the latter effectually and permanently.

If we had a right to expect, that, pending a negotiation, all things would have remained in status quo, and that Spain would not have proceeded to possess herself of other parts of our territory. But she was lately taken and fortified a new post on the Walnut hills, above the mouth of the Yazoo river, and far above the 31st degree. This garrison ought to have been instantly dislodged; but for our wish to be in friendship with Spain, and our confidence in her assurances “to abide by the limits established in our treaty with England,” complaints of this unfriendly and uncandid procedure may be brought forward or not, as the commissioners shall see expedient.

TH: JEFFERSON.

PHILADELPHIA, March 23, 1792.

Gentlemen:

I have the honor to inform you, that a commission has been issued to Mr. Carmichael and Mr. Short, as commissioners, to treat with the Spanish Government, to confer, treat, and negotiate, with any person or persons duly authorized by his Catholic Majesty, of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of their territories, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require should be precisely adjusted and regulated; and of and concerning the rights and titles which this Government has in the lands between the United States and the said Mississippi and dominion of the French; and to conclude and sign a treaty or treaties, convention or conventions, thereon, saving as usual the right of ratification; which commission is already on its way to Mr. Short, whom it will find at the Hague, and who is desired immediately to proceed to Madrid. I expect his route will be by Bordeaux, and thence across the Pyrenees by the usual road. Might I hope your application to your court to send a passport and proper orders to their officers, where he must first enter the kingdom, to protect his passage into and through the kingdom, in order to prevent the loss of time which would be incurred by his waiting there till he could ask and receive a passport from Madrid?

With the sincerest wishes that the matters not yet settled between the two countries may be so adjusted as to give a free course to that conduct on both sides, which an unity of interest evidently prescribes, and with sentiments of perfect esteem and respect for yourselves,

I have the honor, &c.

TH: JEFFERSON.

Gentlemen:

My letter, of March 18, conveyed to you full powers for treating with Spain on the subjects therein expressed since that, our attention has been drawn to the case of fugitive debtors and criminals, whereof it is always well that coterminous States should understand one another as far as their ideas on the rightful powers of government can be made to go together; where they separate, the cases may be left unprovided for. The enclosed paper, approved by the President, will explain to you how far we can go in an agreement with Spain, for her territories bordering on us; and the plan of a convention is there stated. You are desired to propose the matter to that court, and establish with them so much as they may accept filling up the blank for the manner of the demand by us, and a commission by them, in such way as their laws and the organization of their government may require. But recollect that they bound on us between two and three thousand miles, and consequently that they should authorize a delivery by some description of officers to be found on every inhabited part of their border. We have thought it best to agree generally to the manner of presenting our demand by them, because the convention will, in that way, execute itself, without the necessity of a new law for the purpose. Your general powers being comprehensive enough to take in this subject, no new ones are issued.

I have the honor to be, &c.

WM. CARMICHAEL and WM. SHORT, Esqrs.

Gentlemen:

Project of a Convention with the Spanish Provinces.

Any person having committed murder of malice prepense, not of the nature of treason, within the United States or the Spanish provinces adjoining thereto, and fleeing from the justice of the country, shall be delivered up by the Governor of the United States, and of the said State, from which he fled, to the Governor of the United States, and of the said State, to which he fled.

The manner of the demand by the Spanish Government, and of the compliance by that of the United States, shall be as follows: The person authorized by the Spanish Government, where the murder was committed, to pursue the fugitive, may apply to any justice of the supreme court of the United States, or to the district judge of the place where the fugitive is, exhibiting proof on oath that a murder has been committed by the said prisoner within the said Government, who shall thereon issue his warrant to the marshal or deputy marshal of the same place to arrest the prisoner, and have him before the said district judge; or the said prisoner may apply to such marshal or deputy marshal, as he shall choose, who shall thereupon deliver him the said warrant before the said district judge; and, when before him, to either way, he shall, within not less than 10, 15, or 20 days, or more, as shall be the case, hold a special court of inquiry, causing a grand jury to be summoned thereto, and charging them to inquire whether the said prisoner has committed a murder, not of the nature of treason, within the province demanding him; and, on their finding the prisoner guilty, to order him to be applied for, and the said prisoner if he can be found, to be delivered up to the Governor of the United States, and of the said State, to which he fled, to be employed authorized as aforesaid to receive him; and shall give such further authorities to aid the said person in safe keeping and conveying the said fugitive to the limits of the United States, as shall be necessary and within his powers; and his powers shall expressly extend to the aid of a posse of every district through which the said fugitive is to be carried. And the said justices, judges, and other officers, shall use in the premises the same process and pro-

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Head of Consideration on the establishment of Conventions between the United States and their neighbors, for the mutual delivery of fugitives from justice.

Has a nation a right to punish a person who has not offended itself? Writers on the law of nature agree that it has not. That, on the contrary, exiles and fugitives are to them as others, and have a right of residence, unless they be natural or moral evildoers, e. g. infectious persons. One writer extends the exception to atrocious criminals; too imminently dangerous to society, namely, to pirates, and rebels. 1 St. 1. § 283.

The punishment of tyranny being provided for by our law, need not be so by convention.

1st. Treason. This, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the government and acts against the oppressions of the government. The latter are virtues, yet have furnished more victims to the executioner than the former: because real treasons are rare, oppressions frequent. The unsuccessful stragglers against tyranny have been the chief martyrs of treason laws in all countries. Reformations of government with our neighbors, as much wanting now, as reformation of religion is or ever was anywhere. We should not wish, then, to give up to the executioner the patriot who fails and flees to us. Treason, then, taking the simulated with the real, are sufficiently punished by exile.

2d. Crimes against property. The punishment, in most countries, is immensely disproportionate to the crime. In British North America, as in Canada, to steal a horse is death, the first offence, and to steal above the value of 12d. death the second offence. All excess of punishment is a crime; to remit a fugitive to excessive punishment is to be accessory to the crime. Ought we to wish for the obligation or the right to do it? Better, on the whole, to consider these crimes as sufficiently punished by the exile.

There is a case, however, in which, if the fugitive might not avoid the difference between exile and the legal punishment of the crime. Now, in what cases would this difference be so important as to overweigh even the single inconvenience of multiplying complications?

1st. It was the period of the United States, and their neighbors, for the mutual delivery of fugitives from justice.

The carrying away of the property of another may also be reasonably made to found a civil action. A convention, then, may include forgery, and the carrying away the property of others, under the head of.

3d. Flight from debts. To remit the fugitive in this case, would be to remit him in every case: for, in the present state of things, it is next to impossible not to owe something. But I see neither injustice nor inconvenience in permitting the fugitive to be sued in our courts. The laws of some countries punish the unfortunate debtor by perpetual imprisonment, he is right to liberate himself by flight; and it would be wrong to re-imprison him in the country to which he flies. Let all process, therefore, be confined to his property.

We are then to consider the only cases in which the fugitive is to be delivered, on what evidence, and by whom, shall he be delivered? In this country, let any justice of the supreme court of the United States, or their judge of the district where the fugitive is found, use the same proceedings as for a murderer committed on the high seas, until the finding of the "true bill" by the grand jury; but evidence on oath from the country of his flight, in writing, and by witnesses, who have the same effect as if delivered orally at the examination. A true bill being found by the grand jury, let the officer in whose custody the fugitive is, deliver him to the person charged to demand and receive him.

In the Spanish provinces adjoining us, the same proceedings will do.

In the Spanish provinces, a proceeding adapted to the course of their laws should be agreed on.

TH. JEFFERSON.

PHILADELPHIA, May 17, 1792.

GENTLEMEN:

We lately received from Mr. Seagrave, our Indian agent for the southern department, a letter of which the enclosed is an extract, whereby it appeared that a party of the Creek Indians, under the influence of the adventurer Bowles, had meditated some depredations on the Spanish settlements, from which they had been diverted by a friend of our agent, but that their disposition to do injury was perhaps not quite extinguished. Sensible how much it is in the power of neighbor nations to contribute to mutual happiness and prosperity, by faithfully using their good
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offices wherever they may procure the peace or advantage of each other, and feeling a union of interest with Spain in the mutual enjoyment of these privileges, we have not hesitated to give general instructions to our agent in that department to cultivate in the Indians the same friendly dispositions towards the Spanish settlements, as towards ourselves, and to promote their peace and interest in every case with the same zeal as our own.

I have the honor to enclose you one of these orders, to congratulate you on the intelligence that the leader who gave occasion to this affair appears to be in a situation to threaten further danger, and if you will inform me that, as far as shall depend on us, we will, on every future occasion, sincerely use what influence we may have with the Indians, to discourage and prevent every measure they may meditate against the peace or prosperity of your subjects.

I have the honor to be, &c.

TH. JEFFERSON.

MESSRS. DE VIAR AND DE JAUDENES.

To William Carmichael and William Short, Esquires.

PHILADELPHIA, November 3, 1792.

GENTLEMEN: I wrote you on the 14th of the last month, since which, some other incidents and documents have occurred bearing rel. to my Majesty's letter of that letter. I therefore now enclose you a duplicate of that letter.

Copy of a letter from the Governor of Georgia, with the deposition it covered of a Mr. Hull, and an original passport signed by Olivier, wherein he styles himself commissary for his Catholic Majesty with the Creeks.

Copy of a letter from Messrs. Viar and Jaundenes, to myself, dated October 29, with that of the extract of a letter of September 24, from the Baron Carondelet to them.

Copy of my answer of November 1, to them; and

Copy of a letter from myself to the President, stating a conversation with those gentlemen.

From these papers you will find we have been constantly endeavoring, by every possible means, to keep peace with the Creeks, and to remove the causes of contention between them and us, as agreed by themselves, and having for object the precise definition of their and our lands, so as to prevent encroachment on either side; and that we have constantly endeavored to keep them at peace with the Spanish settlements also; that Spain, on the contrary, or at least the officers of her Governments, since the arrival of Baron de Carondelet, has undertaken to keep an agent among the Creeks, has excited them and the other southern Indians to commence a war against us, has furnished them with arms and ammunition for the express purpose of carrying on that war, and prevented the Creeks from running the boundary which would have removed the source of difficulties from between us. Messrs. Viar and Jaundenes explain the ground of interference on the fact of the Spanish claim to that territory, and on an article in our treaty with the Creeks, putting themselves under our protection. But, besides that you already know the nullity of their pretended claim to the territory, they have themselves set the example of endeavoring to strengthen that claim by the treaty mentioned in the letter of the Baron de Carondelet, and by the employment of an agent among them. The establishment of our boundary committed to you, we of course remove the grounds of all future pretence to interfere with the Indians within our territory, and it was to such only that the treaty of New York stipulated protection; for we take for granted, that Spain will be ready to agree to the principle, that neither party has a right to stipulate protection or interference with the Indian nations inhabiting the territory of the other. But it is extremely material, also, with sincerity and good faith, to patronize the peace of each other with the neighboring savages. We are quite disposed to believe that the late wicked excitement and contest among the Crees, and that they are in a situation to give you a general idea of the extent of authority from his court. But, if so, have we not reason to expect the removal of such an officer from our neighborhood, as an evidence of the disposal of his proceedings. He has produced against us a serious war. He says, in his letter, indeed, that he has suspended it; but this he has not done, nor possibly can he do it. The Indians are more easily engaged in a war than withdrawn from it. They have made the attack in force on our frontiers, whether with or without his consent, and will oblige us to a severe punishment of their aggression. We trust that you will be able to settle principles of friendly concord between us and Spain with respect to the neighboring Indians; and if not, that you will endeavor to apprise us of what we may expect, that we may no longer be tied by principles, which, in that case, would be inconsistent with duty and self preservation.

I have the honor to be, &c.

TH. JEFFERSON.

ARANJUEZ, April 18, 1793.

Sir: When we had last the honor of addressing you, we mentioned the delay which had taken place with respect to the business with which we are charged here. We then hoped that delay had ceased, as we were just informed that his Majesty had designated the person to treat with us on his behalf. We have found ourselves, however, much mistaken in our hope.

As soon as it was announced to us that M. de Gardoqui was the person, we waited on him, and expressed to him our satisfaction that his Majesty's choice had fallen on a person so well acquainted with the subjects of which we were to treat, and also with the dispositions of the United States, and their desire to cultivate the friendship of his Catholic Majesty. He showed evident marks of being pleased with this nomination, and gave us the strongest assurances of his desire that a business so long depending, should be brought to a conclusion agreeable to both parties. He added, that he hoped that the negotiation would be carried on in the same familiar and friendly manner to which he had been accustomed in America; and other things of the sort, in order to put us at our ease, and to show us that he was at no time and in no place under his control. At length we wrote him a letter on the 24th of February, having concurred with him, expressive of our desire to proceed to a communication of our respective full powers. This he desired, that he might have an opportunity of pressing the foreign department.

From that time we continued seeing him very frequently, always expressing our desire to proceed to business, and receiving assurances from him of his reciprocating it fully; of his having done every thing to hasten the making out of his powers, and instructions of his Majesty, and promises that there was nothing else. In this manner things passed, delayed from day to day, until the 33d of March, when we had our first conference. We have now had three meetings, on three successive Saturdays, the ministerial occupations of M. de Gardoqui not allowing him to have them more than once a week, and not always so often; as that which was to have taken place on the last Saturday was postponed by him.

Although such conferences are mere conversations, in order that the two parties may settle as many previous points as possible, and find out what will be the best mode of discussing between them such as present the greatest difficulty; but when they are accused on the one hand of not doing their duty, and on the other of desiring nothing else, as they have discovered a disposition in this court very different from what we imagined was expected in America at the time of our commission being formed. We began, after having communicated the originals of our respective full powers, and interchanged copies of them, by mentioning, that although they embraced a variety of
objects of mutual concern to the two countries, we would confine ourselves, in the first instance, to the two leading ones, namely, the navigation of the Mississippi and the territory of the western lake, which are contained in your report to the President; considering always the right of the former as unquestionable, and of course the means of exercising it as the only object of negotiation. M. de Gardou discovered evident signs of impatience under this statement, and much surprise, either real or feigned, at the time. He had understood that the American Commissioners were, on the contrary, induced to consider the question of navigation; and he seemed to consider our claim to the limits under the treaty with England, as extravagant and unwarrantable; regarding this treaty as an agreement made between two people, to dispose of the property of a third. You will see lower down his ideas as to the acquisition of this property by Spain. We observed to him, when he spoke of this source of difficulty, that we had no more reason to complain of Spain as to her limits, than she had to complain of us. He, however, cited the authority of his Majesty, so conspicuously marked among the sovereigns of Europe for his love of justice, would refuse to acknowledge a right, as soon as that right should be exhibited to his view, established by proofs as unquestionable as those of a general nature. He still held out hope, however, that all would be well, if we merely displayed our right, for the former, he held the very extraordinary doctrine, for a diplomatic negotiator, of its deserving no attention, having never yet bound any Power further than suited their convenience: as to the latter, he considered the treaties as not giving us a right, or at least, as not being obligatory on Spain, in the instance where she was not a party. You will easily observe in what postures a negotiation was a discredit both to Spain and England, and in the strictest comprehending, choosing the basis of their objections. Our assertions only were brought forward: such as that the King would never hear of the treaty made between us and England, to dispose of what belonged to him; that we had no right to navigate any where in the Mississippi but on our own shores; and that we should not even have a right to exercise his Majesty to acknowledge our right to navigate it to its extent, &c. &c.

He would hardly agree that the exclusive right of Spain to this navigation had any beginning, and could not be brought to say precisely at what time the exclusive right did commence, or how. Indeed, it really appeared a point about which he was uncertain at that moment.

He was less scrupulous in affirming the origin of Spain to the territory within our limits. He stated it to be by conquest during the late war. On its being observed to him that, by the usages of nations, hitherto respected, conquests could give only an inchoate right in any case, and that its accomplishment depended on treaty; and that the fact, so far from comprising, and excluding, but making the contrary clear, that to right of land, could be claimed against us; the doctrine was neither acknowledged or denied, though there appeared an evident ignorance of it. It was replied to by sometimes pretending that all that was now claimed by Spain, was comprehended in the cession by England of the Floridas, (their previous treaty with us being considered) and adding that Spain, as a party, might at any time, and until it was done. But that Spain, until she had acknowledged our independence, had a right to make conquests within our limits. This was laid down as the great difference between the rights of Spain and of France, derivable from the successes of their arms within any part of the United States. It was acknowledged that France, for instance, had no right to Yorktown, which she had acquired by the treaty of 1763. If the other case should be to Spain, we should have been different. We could only observe thereon that we did suppose that Spain would be the last Power to sit on foot seriously such an unlimited system of conquest, as being certainly at least as much as any other such. And, indeed, we are persuaded that the length to which this doctrine was carried was more the result of the heat of conversation, than of cool reflection. When it was observed to him that this court had formerly entertained different ideas with respect to the limits, as was demonstrable from what had passed between the Count de Florida Blanca and the Marquis de Lafayette, he treated that subject in the most contemptuous manner, and said that he had written to the count on it from America, who had answered it to be the grossest misrepresentation on the part of M. de Lafayette. We observed to him that the letters which had passed between them on that subject being in their office of foreign affairs, would show how far this had been a misrepresentation, and that no one was more convinced of its being entirely false than he himself, who had written to the count on that time. Had Count de Florida Blanca been still more explicit on this head, still it would probably have no weight with the present ministry. It could only serve to give additional force to argument hereafter, and show in a clearer view the injustice of the present system of this court as to that question.

M. de Gardou afterwards went into the detail of the matters on which this subject had been conducted with respect to him whilst employed therein in America. He complained in more clear terms of the delay which had been made use of, and which he had mentioned to us previously, whenever we had pressed him, and taken notice of the delay here. We observed to him that the expiring stages of a government, and the transition from one form to another, would unavoidably have produced that delay. To this he replied, that he had remained a long time after the establishment of a new government, and that he should have remained still longer, to have continued the negotiation, if he had not acquired full proof that the system had been adopted on the part of the United States of taking no further part in the negotiation. It might be said, we observed, that he was in the right, as long as no other person, or persons, could be expected to be in future, of removing them, and that he thought they had, by sacrifices on both sides, succeeded as far as could be done. He said they had agreed on these points, and that the treaties were then submitted to Congress on the two subject, to be passed on. (those with respect to the Mississippi, and limits) had consulted them thereon, and were to have given him their answer. That he, on his part, had announced this to his court, who had from that time been expecting in vain the answer. He gave us to understand that he expected we should, without the necessity of being communicated to us by you, was a convincing proof that Government had considered them not capable of being deliberated on.

In the course of these conferences he mentioned that he had limited the navigation and navigation were objects of much less importance, and that he would like to see them being Spain and the United States. He might talk to each other, and they knew what to do with it and the interest of the other against stream being impracticable, even if allowed by Spain. We observed, thereon, that taking these positions for granted, he must agree that the King of Spain was much more the uncontrolled arbiter of limits, and much less obliged to consult the prejudices (as he seemed to consider them) of a collection of thirteen states which the United States were. Each state was guaranteed to them, and therefore not under the control of the General Government; that as to the navigation, if impracticable, it would not be exercised, and consequently that Spain should have no objection to resign the right over there and that not doing it, under that view of the subject, showed that much less importance was annexed to the friendship of the United States than we had hoped.
It was replied to this, that the admission of foreigners to any of the Spanish colonial possessions was an innovation; and that Government was much more averse to the smallest innovation in any of the colonial regulations than in those of the interior. In the latter case of necessity, you will observe that if men did not admit of being taken as a general rule.) Further, and that although it was evident the current of the river would not admit of its being ascended for the purpose of commerce, yet it facilitated the descent; and that European manufactures carried through the Western river, would be brought down the river and smuggled into their possessions, if our vessels were allowed to go there. He seemed also to feel the necessity of the application of principles of independence among them by communication with our citizens. We obviated both objections, as we thought, and that the United States would have an interest to see the Spanish possessions dependent on Spain, if they enjoyed all they claimed, which was the navigation of the river; for in such case if men were reasonable enough to follow what was their interest; but that there were so many instances to the contrary, he cited the attempts of France to propagate their own principles as a living instance; that such considerations were little to be relied on. The conduct of their agents in America with respect to us, at least excites the animosity of the Indians towards us, was incidently touched on. It was roundly denied, and affirmed, on the contrary, that their standing instructions were directly opposed there. We told him the United States had no doubt of the disposition of his Majesty on such subjects, and of course were persuaded that the conduct of those agents, if they were not to our satisfaction, could be established by the course of events. It was evident, however, that it did not so appear to him. We shall have occasion necessarily to bring forward this subject in more serious terms, and accordingly it was not pushed further at that time.

M. de Garoqui deviated from it to complain, in very bitter terms, of the manner in which the Spanish navigation and commerce had been treated by the regulations of the United States. He said that the few vessels of that country which were formerly employed were completely expelled from thence. When we observed to him that whatever regulations had been made were common to all foreign countries, and that Spain, though without a treaty, was treated as the most favored nation there, he insisted that whatever might be the appearance, the effect was not so, since the Spanish commissaries had informed them their vessels had ceased going to the ports of the United States, whilst those of other nations went there. Spain, he observed, was a country sui generis, as to commerce; that there was no reciprocity in the treatment respectively of Spanish subjects and American citizens in America and Spain. But the United States, said he, as we esteemed gold and silver, could not do without Spain, in order to procure these indispensable articles. However absurd this may appear, or whatever ignorance it may betray of the true principles of political economy, yet we are persuaded that no government, which has been so long on the stage, can be governed by serious arguments; we only replied to them, therefore, by observing, that as long as food should continue to be an indispensable ingredient in the wants of men, we trusted that corn fields would be found to be the surest and most inexhaustible mines of gold and silver. We added, that we were persuaded, however, that nothing hostile had been intended against the commerce of Spain; and that we would find the more ready to facilitate that trade which the United States had the fullest disposition, on the contrary, to cultivate and increase the commercial relations of the two countries. He told us (which he seemed to desire we should consider as a proof of frankness) that he had advised his Majesty, immediately on being informed of our request, to send his minister to our country, to state that correction to our treatment. This additional duty was intended as an excess to be paid by us above other foreigners; and he informed us that it was only delayed to take place with a general regulation of their commercial system, which he was about forming. We doubt, however, whether what he told us of the additional duty has been hitherto seriously intended; although we cannot assure you, that the growing connections between this country and England were not carried to the degree of which they seem susceptible under present circumstances, that this menace would not be realized in favor of the English fishery. From this general statement of what has hitherto passed here, you will see that their ideas at present, with respect to the two leading objects of our commission, are out of the circle of negotiations, and as we have been informed that warters had been made from this court, and induced the President to send a commission for the purpose of treating here, after Mr. Carmichael had informed you of their intention to send a minister for that purpose to America.

We found ourselves placed, therefore, under circumstances of much delicacy, arising from the explicit declarations of M. de Garoqui, and the present unsettled relation of this country with England. Had we insisted on the sine qua non of your instructions as preliminaries, we should inevitably have been obliged to have broken off the conferences, which could not have been done without, exalt, as an express commission had been here for the purpose of treating. It was evident this would have been playing into the hands of England, by exciting alarm in this court with respect to us; we have, therefore, thought it our duty to temporize, and without giving any hope of our abandoning any part of our request, to canvass the subject in general, as has been stated to you. Under other circumstances, we should have proceeded immediately to have have urged them by the arguments which your report to the President furnishes, and which could have been opposed only by an open and manifest refusal of incontrovertible right, and of course exhibited to the view of all the world the justice of our case. The President, however, had not only expressed his desire to have his minister to America, as we have full conviction that they would now refuse what we should insist on, we should not be the wiser for forcing them to express this determination by writing. We think it our duty, therefore, to give it as our opinion, that whatever present government is in power in the United States, should be taken under present circumstances, as we consider unquestionable the determination of this court to refuse the proposal. Our intention is not to press this determination until we shall see with more certainty the influence of French affairs on them, and their connexion with England, as great changes have taken place therein (since your instructions were given) with which you will have been duly made acquainted. We flatter ourselves, also, from learning soon the further intentions of the President arising therefrom. Should the conferences, in the mean time, come to a close, we shall endeavor that it be without receiving such a refusal as it might be difficult for them to retract from hereafter. Nobody can say what changes may take place in the relations of European Powers, nor in how short a time. We do not scruple, however, to say, that, until some considerable changes take place from the present, and excite the alarm of this country with respect to England, they will not be induced by mere negotiation to yield our right. Such a position, however, we believe did exist at the time of the Nootka negotiation; and we think it possible the United States may, in whatever way may be made in any direction, you may count on being informed, with as much expedition and punctuality as may depend on us. This would be done sooner and more regularly, if we were not obliged to wait for such conveyances as it may be proper to use us.

This will be sent under cover to Colonel Humphreys, by an express despatched from hence by the Portuguese ambassador.

We have the honor to be, &c.

M. CARMICHAEL,
W. SHORT.

The Secretary of State for the United States.

ARANJUEZ, May 3, 1793.
Our last letter, in informing you generally of the conferences which had then taken place here on the subjects of our commission, stated also the manner in which that of the conduct of their agents towards us, and the Indians, had been carried on. In this respect we have every reason to be satisfied, and manifestly to be under positive instructions to the contrary, and who could have no interest to depart from them. We observed on the facts which had taken place, and the nature of the testimony which had authenticated them to the Government of the United States. M. de Gardoqui let us see clearly that he considered the presumed obedience of their agents to the Indians, as constituting a positive duty, which we could not have had if they had been under the influence of the contrary. He saw as clearly that we were of a different opinion. And, as we have had already the honor to inform you, we judged it unnecessary to push the subject further in that stage of the business. Yesterday being the first day of our conference, we had no reason to expect that our sentiments should have been so much opposed to each other, nor to the contrary. We brought it forward again, with the additional circumstances mentioned therein; but M. de Gardoqui being called off by the King, at the hour appointed for the conference, it was postponed by him. In the two since, which have been ours, we spoke of the conduct which should be observed, by the United States and Spain, towards the several tribes of Indians, both within their respective territories and beyond the line of the boundary. We observed that we were perfectly conformable to humanity and good neighborhood. He came readily into the idea, suggested in your letter of October the 14th, of neither party keeping agents among the Indians. We thought it proper to sound him of the consequences of this measure; and the measure of their judgment, its adoption. He expressed his sincere desire that strict justice should, in all cases, be observed towards the Indians, as being the surest means of rendering them pacific and useful neighbors. We assured him that our Government was actuated by these sentiments; observing, the steps which had been taken, since the reins were committed to the President, were in entire proof of the care laid by the treatment and respect of the Creeks and other tribes. It was soon brought under consideration these treaties, which, to our very great surprise, he declared an entire ignorance of. Although they have certainly been transmitted to the foreign department here, yet the several departments are kept so separate and apart from each other, that it is highly possible, added to which, the view of M. de Gardoqui himself, that they may not have come under his inspection. When we mentioned to him the substance of these treaties, he expressed much satisfaction at the articles securing the Indians in their rights of property, and fixing the mode of punishment for crimes committed towards them, as well as the encouragement to be held out to them to dispose their dispositions to civilization, by the steps which he had taken towards the acquisition of their rights. He observed, in the same difficulty, as they had a previous treaty with Spain to the same effect. He seemed to wish us to believe, that he considered the favorable disposition of our Government towards the Indians as the most likely means to remove the difficulties existing with respect to the settlement of boundary. We are persuaded, however, that the same difficulty is to be expected, and that the same steps will be necessary to make a perfect and satisfactory arrangement of this point. We observe, however, that the instructions or agreements which have been given to the negotiators, have been but on the footing the limits between us and Spain. Humanity and justice towards the Indians may be the pretended, but the acquisition of territory, the domineering though extravagant passion of this court, will be the real, motive by which the commission is actuated. We very much doubt, on this account, the correctness of your opinions in respect to the inhabitants within those assigned to us. We think you may rely, therefore, on their commissions having seized the true principle of the interference of their court, in their conversation with you, as stated in your letter to the President of November 2. We mentioned in our last that M. de Gardoqui had declined absolutely proposing the origin of their claim to the extinguishing of the Mississips. He has, since then, acknowledged in conversation that the English were entitled to navigate that river also, previous to the late war, fixed the epocha of their close. Even this acknowledgment, of what must strike every body as unquestionable, he was brought to, by very evident reasons. In our last we had the honor of stating to you the embarrassment in which we found ourselves, and, from the explicit declarations of M. de Gardoqui, showing the dispositions of this court to be opposite to what, we have must be expected at the time our commission was formed; and, secondly, from the change of circumstances which have taken place among several European Powers since that epoch as yet we can only confirm what we have before said. Situated as we are, under these circumstances, it is useless to receive it will be the wish of the President that we should not, at this moment, press the negotiation in a manner which might produce an effect directly opposed to our interests and wishes, and which could not render any service under the present crisis—the most inauspicious that could have taken place for our business. We have already full conviction of the sentiments of this court, and know that they will not at present assent to what we must insist on. Should we immediately push the negotiation, it could produce no other effect than to make them acquainted with the fixed determination of the United States to effect their full right. This would unavoidably only make them more tenacious of their claims and their rights, and the chance we have to influence them, in this respect, would appear to be quite gone. It is not possible, however, to make them see the ground that they might repent thereof later in vain, as well as ourselves. It might make them also take preparatory measures, with respect to us, which they would not otherwise do, and which we must desire that they should not do, whatever may be the intentions of our Government. Other considerations, also, weigh with us in favor of delay under our present situation. It is evident, that if our treaty had been pressed, it might have been, in the course of time, that they shall have been made acquainted with the changes which have taken place in the relations between France, England, and this country, from what we conjecture of the time that this will have been announced to you as inevitable, we imagine that it would be not the only thing would have been made an object of their negotiation. We think, at least, to suggest any thing on a subject which will have been placed so amply under his contemplation. We should not, perhaps, omit mentioning a circumstance which is particularly unfavorable to our negotiation, arising from the actual situation of this cabinet, and the business we are charged with, being, in consequence thereof, exclusively committed to the Minister of Foreign Affairs. The public views of the Duke de la Aulencia, whose power and influence are so apparent here, we can only judge of their weight by the statements which M. de Gardoqui tells us, being precluded ourselves by the character in which we are admitted here, from that kind of intercourse with him, which would enable us to judge for ourselves. He assures us, that the ministers of that minister are conformable to those expressed to us in the conferences. We should rather apprehend, however, that the views of the Duke, as the principal officer of the Cabinet, would be as a great influence on his, the impression he will receive will certainly be not such as we wish should. Being young, and without experience, but at the same time well disposed to receive information, and having no prejudice against the treatment of our treaty, he seems disposed to advance with it, though he is far from being favorable to it. He cannot have time, and certainly will not have inclination, under his present occupations, to attend to any course of argument on these subjects. He will ask only for the result, and that result he will receive implicitly from the person to whom he may give his confidence respecting it. It may be expected, also, that at this moment, he would be the most inclined to engage in communications with his colleague, in giving such insinuations as he may think likely to produce effect. And when we consider the situation of the two countries, and compare the two men, we cannot doubt they may have a considerable effect. We do not let M. de Gardoqui influence us, in the idea we have formed of his hostility to us. He is, however, very susceptible to the coldness of theTreatment of the pa in favor of our ancient will, which he takes every opportunity of repeating. He assures us often there is no person in Spain who would be disposed to go so far in advising the King to make sacrifices for the termination of this business as himself. These sacrifices consist in what we stated to you in our last. He has spoken in favor of our concessions twice. And M. de Gardoqui tells us, through his fellow minister, that the United States, were formed a long time ago, and, as too often happens, he was probably much influenced by the comparative power of the respective parties in considering their respective rights. The view he had of the United States, during his residence there, has manifestly not yet given place to those impressions which their present situation ought to have produced. He still sees them divided among themselves, and without efficient government; and
although he now and then recounts the change, yet in general it seems to have escaped him. Having been formerly charged with this business, and having probably at that time given assurances to his court of being able to procure discovery of the intended object of the pretended conspiracy, and having been induced to a considerable obstinacy of character, we conceive would have much weight with him. It is possible, also, that, being little accustomed to generalize his ideas, and having viewed this subject only on one side, and meditated on it in that point of view, he may have thought himself to have arrived at a satisfactory conclusion, and that indeed he affirms this to us with so much warmth, that we cannot help attributing it in some degree to that kind of error. His having been educated, also, and still being in the mercantile line, by no means an indifferent circumstance, that class of people, in those European countries which have colonies, being more or less affected by the spirit of competition, are more or less inclined to entertain and urge the notions which he seems to cherish.

Another source of error which we observe in M. de Gardoqui is, that of drawing general conclusions from particular cases. He conversed with some individuals in America, who expressly wished to see the navigation of the Mississippi prohibited, and our limits narrowed, in order to have the productions of the Western country brought to the Atlantic States, and to have our population more concentrated. He saw some individuals of the Western country, going to settle there, who treated their adhesion to the rest of the Union as visionary. From hence he has formed opinions, which he has not concealed from us, that the United States do not desire this navigation and the number of emigrants. They would generally be more useful in theordinary effort to obtain it. And also that the western inhabitants, whenever they shall acquire force, will separate from the United States.

Under the influence of these opinions, it is possible that the navigation may be held back in petto, in order to purchase this separation, if too long delayed, or to purchase the friendship of the inhabitants of those emigrating seaports.

What we have said will give our idea of M. de Gardoqui's sentiments and influence on these subjects, so far as he may act of himself.

We should add, however, that the general opinion of him here is, that no minister has ever given more constant proofs (notwithstanding the natural obstinacy of his character) of facility in relinquishing his own sentiments in favor of those persons at the fountain of power. Should the present principal minister, for instance, be by any means disposed to treat these subjects of negotiation differently, nobody entertains apprehension that M. de Gardoqui would make opposition thereto, after having made acquainted with that disposition. There is another minister in that cabinet, whose name we know little of, named M. de Gandie, who always resides in the cabinet, and that he is counteracted in all his operations by the persons employed under him. It has been for some time believed that his place would not be long tenable. The exigencies of war naturally increase the authority of a minister of finance, and augment the probability of change in such a department. We have reason to believe that M. de Gardoqui himself feels this, and that he is endeavoring to provide for a retreat by obtaining a foreign alliance. It has been reported to us that he has to that at Turin. It is more probable, however, that it is not yet decided on; still, the usage of this court with respect to dismissed ministers gives good reason to believe he would act with the same exactitude of line as he did when he was in office, with respect to the disposal of the Indian trade, either of inducing their enemies or aiding their friends. He did not conceal from us that he thought it impossible the Northern, Middle and Southern States should ever be brought to act in concert with respect to a foreign enemy out of their territory; and even if they should, that they had no means of acting efficaciously unless they should have a marine— an event which he regarded as never to take place, or at least to be so far off as not to be worthy of present consideration.

These sentiments of M. de Gardoqui are probably consonant to those of his court. He seemed fully impressed with the danger to which Spain was exposed from the balance of maritime force being so much employed by the present situation of the states. He acknowledged the apprehensions on that object, and his desire to see a sufficient number of maritime Powers engaged with Spain to restore that balance. It was evident, however, he did not count on this. He observed on the impossibility of several distant Powers uniting their interests, and still more of their acting in concert. He did not deign to take the United States into this account, and on this subject he said would quote to us an English proverb, "that whilst the grass was growing the horse would starve." All this served to confirm a truth, with which we were fully impressed before, that a few ships of the line would have more weight in securing peaceably the territorial rights of the United States and those with respect to the Mississippi, than all the most unanswerable arguments and inconstant proofs that could be adduced.

We are much mortified not to be able to give you more agreeable intelligence with respect to the commission with which the President has done us the honor to charge us jointly. We trust you will see that this situation of that mission would facilitate all circumstances which may render it not only an honor, but a great advantage. And we hope you will be persuaded, that the present crisis of European affairs bring about any change in the relations of this country which may render her less indifferent to the friendship or enmity of the United States, whilst we remain here, we shall make the most pressing use of it in endeavoring to obtain, by pacific means, those rights and possessions, which have been so long and so often abandoned.

As little as the Baron de Carondelet created grand medal chiefs, as Governor Blount has practised; nor do we know if there has been distributed, on our part, various chiefs, medals of silver, as those which the United States have distributed, on the other hand, and at the bottom, George Washington, President, 1792; and others with the legend, friendship and trade, without end.

We have the honor to be, &c.

WM. CARMICHAEL,
W. SHORT.

The Secretary of State of the United States, Philadelphia.

[TRANSLATION.]

PHILADELPHIA, May 24, 1792.

SIR: We received, with due respect, your letter of the 21st instant, and have this new assurance of the sincere desires of the President of the United States, to preserve the peace and harmony subsisting between Spain and the United States.

For the same reason which prevented your making any reflections on the treaties with the Creeks, Chocatas, and Cherokees, it is evident that the numerous rejections of the propositions of Spain, the very opportune steps taken by the Baron Carondelet (whom you censure) after his arrival in Louisiana, to preserve peace and friendship between Spain and the United States, and the Indian nations, without exposing the known interests of the last, which otherwise would probably be sacrificed.

Never has M. Carondelet been subject to the exhortations given by the same Baron Carondelet to the chiefs of the Cherokee nation, which not only contradict the opinion formed in these States of his character, but that he has used prudent reasons only, not proposing to require from the Indians a decisive answer whether they would not be disposed to trade with Spain. We have therefore been informed, that Spain and Blount required from the various Indian chiefs, and particularly from Ugalacabac; when, by dint of persuasions, and offering him to establish a store near Bear creek, and other promises, he made him go to Cumberland, where he asked large sums of money, and whether he would assist the Americans in the same manner, and declaring that in such case they would still fight with Spain and afterwards dismiss him for his obstinacy in refusing to pay the money, and that he should be punished with death. As little has the Baron de Carondelet created grand medal chiefs, as Governor Blount has practised; nor do we know if there has been distributed, on our part, various chiefs, medals of silver, as those which the United States have distributed, on the other hand, and at the bottom, George Washington, President, 1792; and others with the legend, friendship and trade, without end.

The Secretary of State of the United States, Philadelphia.

WM. CARMICHAEL,
W. SHORT.
In fine, as we rely that there will be established in the negotiation, now on foot between Spain and the United States, a fixed system of conduct with the Indians for both parties, we omit producing other different proofs which are in possession, in vindication of the Government of New Orleans; and we flatter ourselves that your Government will use the most convenient means to avoid taking measures with the various nations of Indians, (pending the negotiation) which might have disagreeable results. We have the honor to be, &c.

Mr. Jefferson.

JOSEPH IGNATIUS DE VIAR,
JOSEPH DE JAUDENES.

Translation of a letter from Messrs. Viar and Jaudenes to Thomas Jefferson.

Philadelphia, June 12, 1793.

Sir:

Desiring to convince the President of the United States, by proofs, that there was no error (as you supposed in your favor of the 5th instant) in the information which had been given us relative to the last letter which we had the honor of writing to you, we transmit to you a literal copy of one of the patents given by Governor Blount in the creation of great medals, (the original of which is in our hands, and may be exhibited here, in this hotel of the King, when you shall choose.)

We also copy literally for you, the relation of the Indian chief Ugulayacabe, of what happened to him on his journey to Cumberland, and what obliged him to undertake it; and we can likewise assure, that medals have fallen into the hands of the Governor of New Orleans, of the token which we mentioned to you in your former, distributed by Mr. Anthony Foster, James Randolph, and David Smith, commissioners, by the United States, to the Choctaws and Chickasaws, for the purpose; who, to attach more strongly various chiefs of the said nations, gave them the said medals, notwithstanding it must have been known to them that they had them from Spain ever since the year 1784.

We leave to the wise consideration of the President of the United States, if, after these, and many other steps (which we do not mention at present) taken, some with the open authority of your Government, and others, perhaps, without it, but still by its officers, the United States can justly easily any complaints whatever which they may make against the Governor of New Orleans, (which we doubt if founded but in presumption or suspicion,) even should he have proceeded on the footing of reciprocity.

We do not pretend to impeach the character of Governor Blount, nor would we produce evidence against him, if we were not persuaded, that, since they declare so bitterly in these States against the Governor of New Orleans in words, it is very just that we should vindicate his proceedings, and show those of Governor Blount, and others, not only in words but palpable facts.

We duly note the other contents of your letter, and repeat assurances of the sincere esteem and respect, &c.

JAUDENES.
VIAR.

Literal copy of a Patent given by Governor Blount.

William Blount, Governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district, to all who shall see these presents, greeting:

Know ye, that, in consideration of the proofs of fidelity and friendship which we have had of the Indian called Itte-honnastable, of the Choctaw nation, maintaining close union with the United States, of his valor and consequence with the neighboring nations, and of his good disposition and knowledge to command; desiring to recommend such good qualities, I do appoint him chief and grand medal, admonishing him of the value he ought to put thereon, the obligation to govern his People well, and the respect he is to bear the People of the United States, venerating the name of the President.

For these reasons, we require all citizens of the United States to acknowledge him chief and grand medal, as aforesaid; the same to the Indians of his nation, that they respect and obey him.

Given under my hand and seal, in the said territory, this 10th day of August, 1792.

WM. BLOUNT.

By the Governor:

DANIEL SMITH.

A copy:

JAUDENES.
VIAR.

[TRANSLATION.]

Jaudenes and Viar to the Secretary of State.

Philadelphia, June 18, 1793.

Sir:

Since our last letter which we had the honor of sending you, we are newly informed of different acts practised by Governor Blount, which not only are contrary to the treaty itself, which the United States concluded with the Creeks, and which your Government wishes to maintain, but which manifest views very distinct from those pacific and friendly intentions towards our nation, and those Indians of the United States have so repeatedly assured us.

We will state some of the undeniable ones, and which merit great attention.

The first article of the treaty between the United States and the Creeks, promises to maintain perpetual peace and friendship between both the contracting parties, and the fourteenth article promises to carry into full execution what is stipulated in the treaty by both parties, with good faith and sincerity.

Permit us to ask, now, does it denote good faith, or prove sincerity, to excite the Chickasaws to commence war against the Creeks, with the palpable views that they, being less numerous than the Creeks, may be under the necessity to ask the protection of Governor Blount and his troops, and so give him then a good occasion of asking in recompense from the Chickasaws, lands to form an establishment at the place called the Ecores Amargas, [ititer] and have a source whence to incumber and intercept the communication between New Orleans and the establishments of Spain, at the Illinois and New Madrid, practised with barques, which, by the eddy formed there by the river Mississippi, must pass within pistol shot of a point which commands the river at that place. With this object, and proceeding to the said place, a son of General Robertson passed by New Madrid the 7th of May, and about that time had already passed several Americans to the same post.

Does it argue good faith or sincerity towards the Creeks to succor the Chickasaw nation with a portion of corn, that they might with more convenience pursue the war, which the son of General Robertson carried with him; and, moreover, a piece of artillery, the use of which the Indians never knew, and always feared?

The Governor of New Madrid saw all this with his own eyes, and it was confirmed by many Indians of the Chickasaw nation, who went with the same young man, Mr. Robertson, who confessed that Congress had ordered this cannon to be given them at present, a declaration which indicates that it is also contemplated to furnish them more.
In the 11th article of the treaty between the United States and the Creeks, these last oblige themselves to give information to the citizens of the former, of every design which they may have or suspicion of any of the Indians toward the persons or property of any of the citizens of the United States.

Is it good reciprocity, sincerity, or good faith, on the part of these, not only to inform the Creeks of the disposition of the Chickasaws against them, but that the said States should be the principal and inviting cause? Have not the Creeks for years urged on the United States meddling with the affairs of nations who are, by treaties solemn and ratified, allied with Spain, and let us leave to the superior penetration of the President of the United States to decide, if the repeated and positive assurances which we have given to these States, in the name of the King our master, of the firm principles of our desire to carry on friendship with the United States, and to exert himself in effecting a continuance of the same, on the part of the Indian nations, under his royal protection; if the different proofs which we have produced of what has been practised by the Governor of Louisiana and St. Augustine, and the recent one which we have the honor to enclose, merit such a return as that its is exposed on the part of the United States.

You may vindicate the Government of the United States (in those cases which want equal evidence with that which we have produced in some others, and which admits no reply) by insinuating again, that steps of such a nature, if they have been taken, is without the authority or knowledge of the Government; let us suppose it in the article where it admits of, and let us pass on to the other.

Does it admit excuse, that the United States, after such repeated complaints on our part, founded on palpable facts and documents which cannot be refuted, against the persons employed to manage the business of the Indians, should not have availed themselves of efficacious means to prevent the disorders in question? To the justice of the President of the United States was the answer.

Are the steps which the Government of the United States has taken (evident from the proofs which we have before presented) less prej udicial than those which their subalterns have put in practice, without the authority of the Government, as you affirm? We are a true statement of facts. I shall proceed to give you such a one, to be communicated to the court of Madrid. If they find it very different from that conveyed to them by others, they may think it prudent to doubt, and to take and to give time for mutual inquiry and explanation. I shall proceed to give you this statement, beginning it from an early period.

At the late settlement of the United States with Spain, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their neighborhood to remain strictly neutral. They accordingly strongly pressed it on them, urging that it was a family quarrel, with which they had nothing to do, and in which we wished them to take no part; and we strengthened these recommendations, by giving them as the very has and benefits of friendship and good neighborhood which we expected from their concurrence in the war. We were among of the several instances left; but the greater part of them suffered themselves to be drawn into the war against us. They waged it in their usual cruel manner, murdering and scalping men, women, and children, indiscriminately, burning their houses, and desolating the country. They put under our arms, in their own country, what were obliged to separate themselves in that place, and they were divided into they different nations of considerable magnitude, which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation or pretense of injury. They had added greatly to the cost of that war. They had incurred their feelings by their savage cruelty. They were by our own completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former Government, were generally ill defined, questionablf, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors, by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled. And, notwithstanding our just right to compensation for the injuries we sustained under these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money, which have been regularly paid, and were equal to the prices for which they have usually sold their lands. Sensible as we were, or they, having had times, they expected to make some indemnification; and were for the most part satisfied with the mode and measure of it. In one or two instances, where a dissatisfacuon was observed to remain, as to the boundaries agreed on, or doubts entertained of the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be of a wrong or contrary nature. They had complained of an apparent cession of lands on their part, and by persons not duly representing their nation. They were therefore disposed to appoint a proper deputation to revise their treaty, and that there might be no danger of any unfair practices, they were invited to come to the seat of Government and conference, and to treat with us. They accepted of the invitation and desired to be supplied of what had been ceded, was, on one occasion restored back to them, and nothing required in lies of it; and, though, they had been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well.

Their nation, too, would have been satisfied, for they were conscious of their aggression, and of the moderation of the United States. They had already by the late peace, the 11th of May, ceded all the lands in the middle of the Creek country, at the demand of the United States, andBowles, who, acting from a impulse with which we are unacquainted, flattered them with the hope of some foreign interference which should undo what had been done, and force us to consider the naked grant of their peace a sufficient satisfaction for their having made war on us. Of this adventurer, the Spanish Government rid us; but not of his principles, his practice, nor his excitement, against us. These were more than continued by the officers commanding in New Orleans and Pensacola, and by agents employed by them, and bearing their commission. Their
proceedings have been the subject of former letters to you; and proofs of these proceedings have been sent to you. These, with others now sent, establish the facts, that they called assemblies of the Southern Indians, openly per-
suaded them to disavow their treaties, and the limits therein established, promised to support them with all the
powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quan-
tities, and offered them most liberal presents, and those of such a character as to make the citizens of small, or
in some instances, destitute of arms, feel the least need of them. We have assured them, in short, that in the
future support of the treaties, and in the advancement of their utmost
need. The Chickasaws, the most steady and faithful friends of these States, have remained unshaken by these
practices. So, also, have the Choctaws for the most part. The Cherokee have been teased into some expressions of
discontent, delivered only to the Spanish Governors or their agents; while to us they have continued to speak the language of friendship, and to consider us as their true friends and
allies; they have, in a manner, solemnly promised that in case of anything which is done against us, by our
enemies, or by any of the tribes of Indians, they will defend us, and outcasts from the Shawanean and other tribes, acknowledging control from none, and never in a state of peace,
very readily engaged in the hostilities against us, to which they were encouraged. But what was much more im-
portant, great numbers of the Creeks, chiefly their young men, have yielded to the incitements, and have now, for more than
two weeks, been in communication with the Spanish, and are now,
and ever since, resolved to make the war against us. We, with them, have redoubled our efforts to produce the same disposition in them. We have borne with their
aggressions, forbidden all returns of hostility against them, tied up the hands of our people, insomuch that few insinuates to the contrary have occurred since you were a little before our information of your dispositions to help
them, fed them when starving, from the produce of our own fields and labor. No longer ago than the last winter,
when they had no other resource against famine, and must have perished in great numbers, we carried, into our
country, and distributed among them gratuitously, 10,000 bushels of corn, and that, too, at the very time when their
younger and weaker brethren are in great want. We have mulcted our gratifications to them, fed them when starving, from the produce of our own fields and labor. No longer ago than the last winter,
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younger and weaker brethren are in great want.

In this state of things, in such dispositions towards Spain, and towards the Indians, in such a course of proceed-
ing with respect to them, and while negotiations were instituted at Madrid, for arranging these and all other matters
which might affect our friendship and good understanding, we received from Messrs. de Viar and Jaudenes, their
agent at Madrid, to the effect that the war which had been the subject of letters of May 31st to you said, and that of
18th instant, a copy of which is enclosed. This letter charges us, and in the most disrespectful style,
1. Exciting the Chickasaws to war on the Creeks.
2. Furnishing them with provisions and arms.
3. Aiming at the occupation of a post at the Ecores Amargas.
4. Giving medals and marks of distinction to several Indians.
5. Meddling with the affairs of such as are allies of Spain.
6. Not using efficacious means to prevent these proceedings.

I shall make short observations on these charges.

1. Were the first true, it would not be unjustifiable. The Creeks have now a second time commenced against
our a wanton and unprowoked war, and the present one, in the face of a recent treaty, and of the most friendly
and charitable offices on our part. There would be nothing out of the common course of proceeding, then, for us to
engage allies, if we needed any, for their punishment. But we neither need nor have sought them. The fact itself is
utterly false, and we defy the world to produce a single proof of it. The declaration of war by the Chickasaws, as
we know, was the subject of some conference between the Commissioners and the Representatives of the Indians,
and produced so instantaneously as to give nobody time to interfere, either to promote or to prevent a rupture. We
had, on the contrary, most particularly exhorted that nation to preserve peace, because, in truth, we have a most
pathetic regard for friendly nations for them. This will be evident from a copy of the message of the President to them, among
the papers now enclosed.

2. The gift of provisions was but an act of friendship to them, when in the same distress, which had induced
us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe,
it is the practice of every nation to give arms to the nations they wish to.

3. We are aiming, as is pretended, at an establishment on the Mississippi, at the Ecores Amargas. Considering
the nature of the country, and the disposition of those in which it is, having, since her proposition to treat with us on the subject,
established posts at the Walnut-hills, and other places, for 300 miles upwards, it would not have been wonderful if
we had undertaken ordinary measures. But the truth is, we have not done it. We wished to give a fair chance to
the negotiation going on; and thought it but common candor to leave things in status quo, to make no innovation,
premature and fatal, to the welfare of the United States, and to the interests of our citizens, under the names of the Yazoo companies, which had formed to settle themselves at those very Walnut-hills, which Spain has since occupied; and so far are we from meditating the particular establishment, so boldly charged in this
letter, that we know not what place is meant by the Ecores Amargas. This charge then is false also.

4. Giving medals and marks of distinction to the Indian chiefs. This is but blindly hinted at in this letter, but
was more pointedly complained of in the former. This has been an ancient custom from time immemorial.
The medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good, and as an expression of their gratitude for what is done for us, and as a mark of their respect for our
people, and to distinguish them from those who are not our friends. They confer no power, and seem to have taken their origin in the European practice of giving medals, or
other marks of friendship, to the negotiators of treaties and other diplomatic characters, or visitors of distinction.
The Americans have, in some instances, presented such medals, preserved them, as marks of an ambassador, invinceably,
"We have continued it; and we did imagine, without pretending to know, that Spain also did it.

5. We meddle with the affairs of Indians in alliance with Spain. We are perfectly at a loss to know what this
charge means. It is our practice on our frontier to have treaties both with Spain and us. From these treaties, we endeavor to
make our friends cultivate their friendship, to merit it in their actions, to execute the commercial and social
rights of which they are the objects of their treaties with us, and to give them the same rights and privileges as to those
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The Americans have, in some instances, presented such medals, preserved them, as marks of an ambassador, invincible,
"We have continued it; and we did imagine, without pretending to know, that Spain also did it.

for her, then, we have considered her pretensions to the country, though it was impossible to believe them serious, as coloring pretensions to a concern with those Indians on the same ground with ours, and we were willing to let them go on till a treaty should set things to rights between us.

6. Another article of complaint is, that we have not used efficacious means to suppress these practices. But if the charge is false, or the practice justifiable, no suppression is necessary.

And lastly, these gentlemen say, that, on a view of these proceedings of the United States, with respect to Spain and the Indians their allies, they foresee that our peace with Spain is very problematical in future. The principal object of the letter being our supposed excitements of the Chickasaws against the Creeks, and their protection of the latter, are we to understand from this, that, if we arm to repel the attacks of the Creeks on ourselves, it will disturb our peace with Spain? That if we will not fold our arms, and let them butcher us without resistance, Spain will consider it as a cause of war? This is indeed so serious an intimiation, that the President has thought it could no longer be treated with by subordinate characters, but, that his sentiments should be conveyed to the government of Spain itself, through you.

We love, and we value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its disasters. Our considerations led us to conclude, that, whenever we could, a disposition towards the friends of other nations, we had hoped that our distance and our dispositions would have left us free in the example and indulgence of peace which all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made to it, great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition, be as we are understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter to the particular character of the writers, displayed in the peculiarity of the style of their communications; and therefore we have removed the cause from them to their sovereign, in whose justice and love of peace, we have confidence. If we are disappointed in this appeal; if we are to be forced into a contrary order of things, our mind is made up; we shall meet it with firmness. The necessity of our position, will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it: we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our self defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier to the last moment, to repair with her, to the tribunal of peace and reason.

The President charges you to communicate the contents of this letter to the court of Madrid, with all the temperance and delicacy which the dignity and character of that court render proper; but, with all the firmness and self respect which befit a nation conscious of its rectitude and settled in its purpose.

I have the honor to be, &c.

TH: JEFFERSON.

To MESSRS. CARMICHAEL AND SHORT.

Extract of a letter from M. de Montmorin, Ambassador of France at Madrid, to M. de Vergennes, Minister of Foreign Affairs.

"The cabinet of Madrid, Monsieur le Comte, thinks it has the greatest interest, not to open the Missisippi to the Americans, and to disgust them from making establishments on that river, as they would not delay to practice their commerce and the affairs of other nations, we had hoped that our distance and our dispositions would have left us free in the example and indulgence of peace which all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made to it, great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition, be as we are understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter to the particular character of the writers, displayed in the peculiarity of the style of their communications; and therefore we have removed the cause from them to their sovereign, in whose justice and love of peace, we have confidence. If we are disappointed in this appeal; if we are to be forced into a contrary order of things, our mind is made up; we shall meet it with firmness. The necessity of our position, will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it: we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our self defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier to the last moment, to repair with her, to the tribunal of peace and reason.

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I have the honor to be, &c.

TH: JEFFERSON.

The Secretary of State to Messrs. Viar and Jau denes.

Gentlemen:
Your letter of the 8th of June has been duly received and laid before the President of the United States. The matter of complaints is of such a complexion, that he chooses to treat of it with your government directly.
To them, therefore, his sentiments thereon will be communicated, through the channel of our commissioners at Madrid, with a firm reliance on the justice and friendship of his Catholic Majesty. In doing this, it will be impossible not to manifest the impression which the style, as well as matter of your communications, make on the Government of the United States.

I have the honor to be, &c.

TH: JEFFERSON.

The Secretary of State to Messrs. Viar and Jau denes.

The Secretary of State presents his compliments to Messrs. Viar and Jau denes, and informs them that the Government of the United States, having occasion to send public despatches to their commissioners plenipotentiary at the court of Madrid, James Blake, a citizen of the United States, has been appointed to perform that office. He is to embark on board the ship——, bound to Cadiz, in Spain; and the Secretary of State asks from the commissioners of Spain their passport for the said courier, in such form as may protect his person and despatches from harm and search, both by sea and land. The Secretary of State offers to convey by the same person, any despatches they may choose to transmit by him to the country he is going to. He departs the 15th instant.

July 11, 1793.

To Mr. James Blake.

Sir: You will proceed with all diligence in the ship——, bound to Cadiz, in Spain, with the despatches committed to your care; by the commissioners plenipotentiary of the United States of America at Madrid. When arrived at your port of destination, or any other to which you may by accident be brought, you will be informed, by the commissioners, to convey your despatches directly to Madrid, by such conveyance as will best reconcile safety, reasonable despatch, and due economy. You will be furnished with proper passports from the commissioners of Spain residing here, and myself, to ensure to yourself, as the courier of the United States, that the despatches of which you are the bearer, that protection from harm, and freedom from search or impediment, which you will be entitled to by the law of nations, from a friendly nation. When arrived at Madrid, deliver your despatches into the hands of the commissioners themselves, and no other. Await
there, their orders, and return to this place with their answers in such way as will again best combine safety, dispatch, and economy. Keep an exact account of your disbursements, letting them be perfectly reasonable, according to the character in which you go; providing vouchers for such articles as will admit of it, and proving the residue on oath.

Over and above these reasonable expenses, you will be allowed at the rate of $500 a year for your time and trouble. Given under my hand, and the seal of the Department of State, this twelfth day of July, 1793.

TH: JEFFERSON.

[TRANSLATION.]

Messrs. Viar and Jaudenes to the Secretary of State.

PHILADELPHIA, July 11, 1793.

Sir:

Rumors have been circulating for some days among the People, giving to understand that there prevails, on the part of the King our master, and of ourselves, some design of interrupting the friendship and good correspondence which so happily subsist between the two nations on the subject of the Indians.

We have heard, without noticing this, hitherto, endeavoring to convince those who have spoken to us on the subject with such reasons as justice and our understanding have suggested; but a piece having been published in the Gazette of Mr. Bache, of this morning, the contents of which cannot but produce great disgust against his Majesty and those whom we have the honor to represent, it appears to us indispensable to desire you to be so good as to inform the President of the United States thereof, on his return, that he may be pleased to take, in justification, those measures which he may judge most proper to remove from the public the impression of so unfounded a charge with which they calumniate the King and ourselves.

You well know, sir, that in all our communications, we have had the honor to assure the United States of the pacific and sincere disposition of his Majesty towards them and the Indians their neighbors; and that the King’s orders to us, and all the Governors of his possessions on the frontiers, have been of the same nature; and you know also, that whatever information we have given to the United States on the turbulent dispositions of the Indians towards the United States, and of the conduct of their agents on the frontiers, have, and could have, no other object than to induce the United States to use all possible means on their part to prevent the disseminations now in fermentation, our Government promising to continue doing the same, as it has proved to have done hitherto.

You are equally possessed of the different evident proofs which we have had the honor of producing to the United States, by which it is discovered clearly, that the agents of the Government of the United States have not proceeded conformably to the principles of friendship, good correspondence, and sincerity, which you have repeatedly assured us is the object of the United States.

The principal object in all our communications has been, and is, to obtain from the United States a cessation of acts which may be construed in a sense neither pacific nor friendly, while a negotiation is depending between the two nations, pledging ourselves solemnly that the same shall be done by the King’s Governors on the frontier.

The reciprocal tranquility and interest of the two nations require, that the minds of the inhabitants should not be irritated on either side, and in a government of the nature of that of the United States, the opinion of the People is of the greatest importance.

This consideration urges us to entreat the President of the United States to be pleased to assure the public, in such a way as he thinks most convenient and satisfactory, that the disposition of the King our master, as well as of his representatives, neither has been, nor is, to foment the discord between the two nations, nor with the Indians but on the contrary to establish the most solid and reciprocal friendship and advantageous correspondence; and that, on all occasions, they have given unquestionable proofs of it: the discord observed at present, flowing solely from misintelligence, or a defect of rigorous observance of the orders of their superiors by the agents of this Government on the frontiers; assuring you that, if any of the agents of the King has contravened the orders of his Majesty, (of which we have no proof, but quite the reverse) and the United States shall produce to the King due proof of the fact, we have no doubt they will obtain the most complete satisfaction, they doing the same on their part.

We are firmly persuaded that the King of the United States, with his superior understanding, will adopt the most proper and efficacious remedies which this incredible ill requires, until the negotiation depending shall present a radical cure.

We have the honor to repeat, &c.

JOSEPH IGNACIO DE VIAR,
JOSEPH DE JAUDENES.

[TRANSLATION.]

Messrs. Jaudenes and Viar to the Secretary of State.

PHILADELPHIA, July 15, 1793.

Sir:

It is with great sensibility we observe that the office which we had the honor to send you on the 15th of June last, has given any kind of disgust to the Government of the United States, as we perceive by your favor of the 11th instant.

We assure you particularly, with the purest truth, that if any warmth is observed in it, it has no other object than to give all possible energy to the reason which we are persuaded is on our side, and that we are very far from having the least desire of offending the Government of the United States, or of showing the least want of respect, but the most cordial affection to their most worthy President, and to your own merit.

Be pleased, sir, to present this to the President of the United States, and to receive yourself this sincere assurance of our pure and indubitable attachment to the United States, and the very worthy heads of its Government, while we remain firmly convinced that the King our master will not fail to prove the justice, friendship, and generosity, which characterise him, and which he has always manifested to the United States.

We have the honor to subscribe ourselves, &c.

To Mr. Jefferson, &c.

JOSEPH DE JAUDENES,
JOSEPH IGNATIUS DE VIAR.

The Secretary of State to Messrs. de Viar and Jaudenes.

PHILADELPHIA, July 14, 1793.

GENTLEMEN:

I have laid before the President your letters of the 11th and 15th instant. Your residence in the United States has given you an opportunity of becoming acquainted with the extreme freedom of the press in those States.
Considering its great importance to the public liberty, and the difficulty of subjecting it to very precise rules, the laws have thought it less mischievous to give greater scope to its freedom than to the restraint of it. The President has therefore no authority to prevent publications of the nature of those you complain of in your favor of the 11th. I can only assure you that the Government of the United States has no part in them, and that all its expressions of respect towards his Catholic Majesty, public and private, have been as uniform as their desire to cultivate his friendship has been sincere.

With respect to the letters I have had the honor of receiving from you for some time past, it must be candidly acknowledged that their composition was thought remarkable as to the matters they brought forward, as well as the style of expressing them. A succession of complaints, some founded on small things taken up as great ones, some on suggestions contrary to our knowledge of things, yet treated as if true, on very inconclusive evidence, and presented to view as rendering our peace very problematical, indicated a determination to find cause for breaking that peace. The President thought it was high time to come to an eclaircissement with your Government directly, and has taken the measure of sending a courier to Madrid for this purpose. This of course transfers all explanation of the past to another place. But the President is well pleased to hope, from your letters of the 11th and 15th, that all, perhaps, had not been meant which had been understood from your former correspondence; and will be still more pleased to find these, and all other difficulties between the two countries, settled in such a way as to secure their future friendship.

I beg you to accept assurances, &c.

JOSEPH DE JAUNEDES.
JOSEPH IGNACIO DE VIAR.

[Translation.]

Copy of a letter from the Governor of St. Augustine, of Florida, to the King's Chargés des Affaires.

A rumor having been spread in this province, with mischievous activity, that some of its inhabitants had written a letter to the Indian nations, in order to kill four white men there settled, some adding an insinuation that this determination was with the support of government, and others, that it came from Mr. Panton, settled in Pensacola, and a merchant in the Indian trade, with the permission of our court. I could not persuade myself to believe that a neighbor, whose conduct is so perfectly qualified, should proceed in such a manner; and, having previously some ground to believe that such transactions might be originated in the frontiers, on account of the dissensions which prevail there, it appeared to me indispensables, and not to be omitted, to take some measures to verify the facts; and from those it has resulted, what you will find in the enclosed documents which I send, that you may make the use of them which you shall think proper. Perceiving the approach of a very general disposition in St. Mary's river and coast of the north, according to the advice I continually receive from the south of that jurisdiction, the greater part of whose inhabitants have their connections with the former, and catch from thence the sparks that I endeavor to extinguish, in order to maintain the peace and good harmony so much recommended by your superior, I fear this may be interrupted, if the Executive power of the United States does not take the most active measures to extinguish in time this conflagration. Your constant and well known prudence will adopt, on this information, what you judge most expedient for the service of his Majesty and his royal and good intentions.

God preserve you many years. Saint Augustine of Florida, September 12, 1793.

JUAN NEPOMUCENO DE QUESADA.

Joseph de Jaunedes, and Joseph Ignacio de Viar, Esqrs.

Is a copy. JAUNEDES, VIAR.

[Translation.]

Extract of a letter from the Governor of Louisiana to the King's Chargés des Affaires.

In consequence of the attack made by the people of Georgia on a town belonging to the Creek nation, on this side of the Oconee river, they resolved to invade the State of Georgia with four armies, or numerous bodies, and in four different has been sent to Peter Olivier, Esq, the King's commissary, through those Indians to retire from their nation, and to leave them without the protection of Spain, if they should execute their resolution. And in the end he effected the prevention of it. But, a few days after, the people of Georgia returned again, and attacked and burnt another small town called Hoelashtaga, forty-five miles distant from Cowitas, killing four Indians, wounding three others, and carrying away four women, a boy, and three girls; which obliged the nation to renew hostilities, and to send to us. Hallowing King, soliciting our protection, arms, and ammunition, agreeably to the treaty concluded between his nation and Spain. I cannot refuse attention to his petitions, as the Georgians have been the aggressors; and if I refuse to help them with arms and ammunition, the Georgians will drive them from their country into ours so that I find myself in a very critical situation.

Is a copy. JAUNEDES, VIAR.

DECREE.

In the city of St. Augustine, of Florida, on the 31st of August, 1793, Juan Nepomuceno de Quesada, Esquire, by the favor of his Majesty, Colonel of the royal army, Governor General, Commander and Royal Vice Protector of him and his province, noticing that it has been rumored, that from the province aforesaid, letters were sent from the
FOREIGN RELATIONS.

[1793]

Indian nations, with orders to kill some white men settled amongst them, and some with children; and that such an important publication is worthy of the greatest attention; in order to avoid, by prudent means, the very fatal consequences which might flow from it, to proceed with proper caution, and to ascertain the fact, together with its author, and, in consequence, to give the competent orders for his punishment, according to the enormity of his crime, and others necessary to ensure peace: His honor has commanded, by this decree, that a declaration be taken from John Hambly, of whatever he may have learnt of particular in his last visit to the said nations, concerning the King's business, by virtue of the commission he has, as a person acquainted with the Indian languages; wherefore, he is ordered to appear before his honor with the public interpreter, he, the said Hambly, not speaking the Spanish language, but the English, which is his native tongue; and the said declaration being made, together with its additions, if he shall make any, that they be produced. Whereupon, by his honor's commands, the same is ordered. In faith whereof, he signs these presents.

JOSEPH DE ZUBIZARRETA,
Notary of the Government.

DECLARATION.

In the city of St. Augustine, of Florida, on the day, month, and year aforesaid, appeared before his honor, Mr. John Hambly, who, before me, the notary, and through Mr. Michel Iznard, public interpreter, took the oath in the presence of God Almighty, believing in the Holy Bible, according to the protestant sect, which he professes, to tell the truth as to what he knows and shall be asked; and has declared, that being amongst the Indian nations, where he went with a particular commission from this government, he lodged in the house of James Burgues, who repeatedly told him that he had seen a letter written by James Seagrove, to the chief of that nation, called John Canard, in which he earnestly requested him to procure the death of four white persons, his own included, George Burnet, Noah Harold, and George Welbank, who were also settled in the nations aforesaid, by which means he might obtain for Robert Seagrove, his brother, the recovery of the property the Indians took from him, with that belonging to those whom he wished to be killed, and that, if this could be put into execution, he would save the lives of four Indians, or, that he, himself, be killed by the said Indians; and that, if he should comply with it, as he hoped, he would appoint him a commissioner in the lower nations of the Creeks. To which he added, that he thought Seagrove had been influenced to write such a letter because Jacob Allen had told Seagrove that Burgues was the cause of his brother Robert's loss. Being asked whether the aforesaid James Burgues (from what he had now declared) and him, that any person living or inhabiting this province had any interference or knowledge in the letter aforesaid, or whether, by means of any body of this province, it was conveyed to the hands of John Canard, or if he knows any thing on this particular; he said, that Burgues neither told him the means or conveyance through which John Canard received it, nor whatever any body of this province had, or had not, any thing to do in the business; neither does he, who makes this declaration know more than what he has just said; and answers that all this is the truth upon his oath; and this declaration of his, having been read to him, he agreed with its contents, adding, that after he spoke with Burgues, and arrived at Canard's house, to which he was directed, the latter confirmed to him the same report, without telling him who was the bearer of the letter; however, reflecting upon the matter, he supposes it to have been George Galphin, who, according to what Canard said to him, had been a few days before in his house; that he is two and forty years old; and he signed, together with his honor and the interpreter, which I do certify.

JOSEPH DE ZUBIZARRETA,
Notary of the Government.

Before me,

MICHEL IZNARDY.

ST. AUGUSTINE, Florida, September 2d, 1793.

For the purposes which it may concern, I, the present notary, certify that Pen, the Indian Chief of Lachas nation, or, as he is called, the last time he was in this city, upon the different questions proposed to him, concerning the point which is now under proof, at which conversation the said officer was present, and this certificate being authenticated, will be produced with the other papers.

Before me,

JOSEPH DE ZUBIZARRETA,
Notary of the Government.

QUESADA.

QUESADA.

Here the mark.

MICHIEL IZNARDY.

QUESADA.
CERTIFICATION.

I do certify, according to the best of my abilities and duty, that, on the last occasion when Pen, the Indian Chief of Lachua nation, was in this city, I was present at the conversation which he had with his honor by means of an interpreter; and amongst other things, they spoke about letters sent to the Indian nations to kill some white men who were settled there, and had not knowledge of whether there were any others present with him by his honor to discover the circumstance or whether he had any knowledge that they were sent from this province, or by any body of it, the Indian said, that although he had some information of the letter by hearsay, and that they were directed to take the life of some white men, he could not discover the motive or cause, neither was he certain of it, for the men mentioned gave no reason for it; thereupon it was agreed and believed, was to be sent to them, the letters were directed to them in the same skirmishes, and in the war commenced, of which they suppose the white men aforementioned to be the authors; consequently he affirmed that they were killed neither by him nor the rest of the chiefs of the Indian nations and in compliance with the orders expressed in the precedent decrees, I set my hand to this certificate.

JOSEPH DE ZUBIZARRETA,
Notary of the Government.

FLORIDA, September 2, 1793.

DECREAL.

St. Augustine, of Florida, Sept. 4, 1793.

Reserving the continuance of the examination, to which this instrument is directed, should there be any ground for it, let an authentic copy be made out by duplicates of all the proceedings for the object reserved.

QUESADA.

Before me,

JOSEPH DE ZUBIZARRETA,
Notary of the Government.

Conformable to the originals, which remain in the archives under my care, whereof I refer myself, and in compliance with orders, I set my signature to this, on common paper, the practice not being to do it on that which is stamped.

FLORIDA, September 7, 1793.

Is a true copy.

JAUDENES,
VIAR.

Messrs. Carmichael and Short to the Secretary of State.

ARANJUEZ, June 6, 1793.

SIR:

We had the honor of writing to you jointly on the 19th of February, 18th of April, and 4th of May. These letters were sent by dupli-cates, and words, she would note details of whether secured remained here with respect to the business of our joint commission. Such conveyances as could with propriety be made use of, have not presented themselves so as to admit of our writing more often; and the state of things did not appear to us such as to require the sending of special messengers.

We have informed you of the delay which took place before opening the first conferences with M. de Garoqui, on the 23d of March, of the manner in which our ideas on the navigation of the Mississippi and territorial limits were received by him. If his ideas on the same subjects, being so divergent therewith, and expressed to us in such a manner as to show beyond all kind of doubt that they could not be brought within the circle of negotiation, of the embarrassing position in which this placed us on account of the changes which had taken place in the foreign relations of this country, since your instructions had been drawn up, and particularly those which it was probable they were then forming with England, and finally, of our determination, therefore, not to push the negotiation until some change should turn up, or until we should have been acquainted with the events which had thrown England and this country into the same scale, and that the one in which most of the military and marine Powers of Europe were already placed, and the rest of them likely to enter either of themselves or by force.

According to our calculation of the time when you would probably have received from your ministers at London and Paris, the intelligence of this posture of European politics, we flattered ourselves we should hear from you in pursuance thereof, before this; and we have found that we were not mistaken in the time we allowed, as M. de Garoqui has already received letters from the Spanish commissioners, informing him of the arrival in America of the news of the execution of Louis XVI. of the declaration of war between France and England, and the certain expectation of the same between France and this country. We still suppose it impossible you should not have done us the honor to write to us, after being informed of a revolution of that kind, whether the intention of the President should have been, that the negotiation should be accommodated to the effects produced by that revolution, or that it should be pushed without regard thereto, conformably to the instructions originally sent us. We trust that your letters on that subject must be now on their way, and we are in impatient expectation of receiving them.

Whatever we shall learn from you to be the President's intention on the subject, we shall immediately proceed to execute; and we trust you will readily see that the present system of prolongation, which we have taken on purpose not from a desire to exercise our own will, but to leave time for being more unquestionably informed of that of the President. We are fully persuaded the line we have thus pursued will be considered the best for the common, and particularly as the greatest inconvenience which could result therewith, as it appeared to us, was a short delay; whereas an opposite one might have produced very disagreeable and dangerous effects, which both the United States and Spain might have repented of hereafter in vain.

Our letters will have already given you such a statement of affairs here, at that time, as to have exhibited this dilemma in a very clear point of view. Still we beg leave to recapitulate it here for the greater certainty of its reaching you. This we consider the more important, as, generally speaking, the eye of a nation's being drawn into a war, being an auspicious moment for those who are at peace with them to demand a restitution of their rights, this may therefore be considered in America the proper time for the United States to have urged their claims here.

Our joint commission arrived at Madrid, as we have already had the honor of informing you, on the first of February, almost at the same moment with the news of the catastrophe of the 21st of January. The probability which had previously existed of this country being brought into an union of measures with England, was now changing daily into certainty, and, before the commencement of our conferences, was placed beyond doubt.

Although Spain, thus circumstanced, would consider her position in general as a much less eligible one than whilst united with France, yet, with respect to us in particular, she would consider her present posture more favorable than whilst united, and particularly in their transactions with England against France, already attacked by the most formidable Powers of Europe, than whilst united with France, whose partiality for us she distrusted, and opposed to England, whose concert with us she would have apprehended. We were persuaded of this, both from the nature of the case, and from different circumstances which occurred. Our first conference with M. de Garoqui, put this beyond doubt, and showed unquestionably, that it was far from the intention of the cabinet at this time, to yield any thing correspondent to our claims, whatever it

* Not received.
might have been under the administration of Count de Florida Blanca, or whatever assurances, unknown to us, they may have formerly given to the President, so as to have induced his sending a commission to treat here.

Whilst we were fully impressed with this conviction, and satisfied that no mode of negotiation which we could adopt would induce England to come in line with us which we could not do, it was the constant hope of our government, which we saw Spain and England now decidedly placed on the same side, by having a common enemy, and then treating of the basis of their future union. It was unquestionable that England would desire this to be as close as possible, in order to prevent her having cause of alarm, and if France committed any move against the two of them, and of a most fatal import in the case of a counter revolution in France. It was as unquestionable that Spain, keeping still an eye on this event, and being the weaker and more distrustful Power, would enter timorously and cautiously into this system.

It could not be doubted that the effects of their distrust, with respect to England, would be diminished in propor-
tions to that of the one which would naturally result from an attack which would be made, and the character of those arrangements, the sense of our fixed determination not to desist from any part of what we consider as our right (and what they seem to consider as a commencement of the loss of their American commerce and territorial possessions) and forced them to yield, might be expected on a positive case and from a species of negotiation and circumstances, which we had formed and sent for that purpose, it is impossible, in whatever manner we might have received it, or whatever reasons we might have given, to have persuaded them of the pacific intentions of the United States, that they should not have supposed it their determination to have removed to other modes of redress. That apprehension acting on them would unquestionably have pressed from more intimation with respect to the protection of that country, as they would have made fewer difficulties about the price to be paid for it.

This kind of alarm in the Spanish cabinet, with respect to us, would at any time during the war have an influence on their relations with England, different from what we should desire but it appeared to us that it would be still greater at the moment the two courts were feeling each other's pulse, as it were, and agreeing on the arrangements to be entered into against a common enemy, than at any future period. Although we have remained altogether uninformed of the present dispositions of England with respect to the United States, still we could not help supposing that the present situation of European affairs would appear to that Power as by no means favorable to them, so far as should relate to their European connections, or prospect of aid from thence in case of need.

From pushing the negotiation immediately to its close, under these circumstances, we apprehended the inconvenience above mentioned. On the other hand, it appeared to us, that a temporizing mode of proceeding presented several advantages. It enabled us (being fully convinced of the decision of this court without proceeding further) to inform you of that decision, and give time for whatever measures might be thought proper to be taken before the views of the United States, as you will see, on this occasion, was adopted, until the breaking off of our conferences, as they may still suppose that we may be induced to recede from a part of what are stated in our first conference as our right. It enabled us also to receive (before taking steps that might render it too late) further instructions from you, grounded on the change of European affairs, which had been such as to enable the President more accurately to determine what the President might choose to adapt thereto those which you had forwarded to us under circumstances so different.

These considerations seemed to us to exact our pursuing the line we have mentioned; and we did not doubt the delay which it was calculated would be immediately repaid by those advantages. How disagreeable this mode of proceeding was to me, of forming a business, of which we already knew that it had been in particular to us, still we do not think ourselves authorized thereby to risk what we consider disadvantageous to the public.

As circumstances have turned out, we cannot help considering it unfortunate that an express commission should have been sent to England. It seems hardly desirable that the United States and the President should have been more as much as possible out of the view of this country whilst forming their arrangements with England. That court will certainly excite whatever alarm they can with respect to us, and this country may, under that influence and the hope of full protection and good treatment from England, do many things that she would not be willing to do hereafter, when she shall have made trial of all the countries, one characterized by independence, with wealthy possessions and the desire to preserve them by monopoly, the other by commercial enterprise and insatiable avidity, it appears to us difficult to suppose that there can long remain confidence and union. Of course we should imagine Spain would be less ready to apply to England for protection against us, at any future period than the present; and at present she will more or less ready to do it, in proportion as she may apprehend more or less from the present conduct of the United States.

Arrangements between England and England have for some time been negotiating, as you have been informed. Negotiations of this kind which can be held out of view, we are certain, however, that these arrangements are concerting here, without the participation of the other Powers, already leagued and at war also against France. It is believed by some that something conclusive has been settled, and was forwarded by a special agent from the English government, the means of which are to the President of the United States, is certainly conjecture among those the most in the way of being received. We cannot assure you of it; nor can we satisfy ourselves whether, in the negotiation on foot, any arrangements have been really proposed which were to regard the United States and their claims with respect to the Mississippi and territorial limits. You will readily perceive, from the concession of the United States, which were made to the United States, how impossible it is.

We have had the honor of informing you, in a previous letter, of the particularly hostile dispositions of M. de Gardouqui as to the rights of the United States. We have found, on the contrary, from his mode of proceeding in business of every kind, the greatest facility given to the temporizing system we have adopted. The course we have followed the conferences as regularly as his ministerial occupations would admit of; and they have been employed in discussing the general subjects of our commission, waiving those of the Mississippi and territorial limits. We shall probably not be pressed by him to come forward in a more direct way, not only because, from want of order, he is overwhelmed and in array of his department, but also because that business affects him much more sensibly, and presses him much more than that with us.

We flatter ourselves, however, that we shall be long removed from this position by the receipt of your letters, which will carry the line of policy which we shall follow into execution, and which we shall regard to our own opinion. Were we allowed to consult it, it would be, that it would be most advantageous for the United States that the joint and express commission with which we are charged should be recalled, without our being obliged to proceed further, however, to that purpose, lest we should rashly undertake, what the President has determined the negotiation was confided to their former standing representative here, or whomver the President should name for that purpose, with powers. In this manner it might be suspended, without exciting alarm here, and pushed whenever any proper opportunity should present itself, if it should be judged most advisable to wait for that mode of proceeding which we are authorized the United States may recommend.

In our late conferences with M. de Gardouqui, we have resumed our representations with respect to the conduct of the agents of the Spanish Government in America, and particularly of the person who styles himself a commis-
sioner from Spain or the Creek nation, M. de Gardouqui, we have opposed his denial of any agents to our affirmation, supported by the testimony with which you furnished us, and to which he considered very little authority as due. Since receiving the attestation to Oliver, and the copy of the passport he gave, we brought forward that circumstance as being clearly auth-
entic. You have informed us since, that M. de Gardouqui assumed that the person whom we had been authorized to add, however, that he would make inquiry in the foreign department. After having done this, he confirmed to us what he had previously said. We proposed that he should give us a disavowal of this commission in writing, that we might transmit it officially to the President of the United States, to which he assented with much willingness. He observed that the proper mode would be for us to write to him on the subject, to which he would give us an immediate answer, conformably to what he had expressed to us verbally.
In consequence thereof we wrote to him on the 26th ultimo, and according to his promise should have received his answer without delay. One day of conference has since intervened. In it he told us he had translated his answer and submitted it to his Majesty, and that he would send us the answer immediately on having received his orders for that purpose. We told him with respect to the dispatch, as yet, however, we have not received it; and from M. Gardouche’s mode of doing business we cannot say when we shall, although we must not cease to press him on his own promise. The answer, if commensurate with our letter, and conformable to his promise, will contain also an assurance of the orders given to their agents in America, and a promise of their being consistent with his Majesty’s intentions that they should strictly adhere thereto. Such assurances are of little importance in themselves; but these being given or withheld, and particularly the manner in which it is done, may be some indication of the ground on which they consider themselves with respect to England and us. So soon as we shall receive the answer of his Majesty of what nature it may be, we shall not fail to transmit it to you.

The last letter which we have had the honor of receiving from you was of the 3d of November (the duplicate only came to our hands as mentioned formerly.) What we have said will apprise you, agreeably to your desire, at least as far as we know, of what may be expected from Spain with respect to their conduct towards our Indian neighbours. Whatever assurances they may give to the contrary we believe they will endeavor to strengthen them, and make them their friends and our enemies, until the territorial and other claims shall be settled; and that, that being done, they will be indifferent as to those who remain within our limits.

We have the honor to be, &c.

W. M. CARMICHAEL,
W. SHORT.

The Secretary of State for the United States.

Mr. Short to the Secretary of State.

Madrid, July 1, 1793.

Sir: The court having determined to transfer its residence from Aranjuez to this place, I preceded it four days ago with the members of the corps diplomatique.

I had the honor of writing to you last on the 7th of June. That letter was sent by a person going from hence to England, and we understand it from him that he should find best, together with a copy here by Mr. Carmichael and myself. As copies of these letters were sent also, by the same conveyance from hence, I flatter myself you will received them in due time.

In my last I had the honor of mentioning to you the information I had received with respect to the intention of this court of terminating the Nejete. I am happy to inform you the subject has been since printed, in date the 9th of June. This is the date of its being passed; its impression is later; and though now printed, it will not be published perhaps for some time, according to what I am told is the usage here. A copy has been lent me on the condition of my returning it immediately. Not having time to translate it at full length, I have extracted from it the most important parts, which I here enclose to you.

I mentioned to you, in my letter of the 7th of June, that one of the objects of this plan was to supply the Spanish possessions from New Orleans with such goods as they might choose to admit. I find, however, I was misinformed in this, as one of the articles of the ordinance prohibits communication between New Orleans and their other American possessions. I am well assured now, that the plan has been adopted at the earnest solicitation of the inhabitants of Louisiana and the Floridas, and will no doubt give them very high satisfaction. The ground of their demand is their being for the present deprived of their commerce with Spain in consequence of the war, and it is said it is to continue only until the minister shall have matured and brought forward a new and general system of commerce, on which he has been for some time meditating. I hardly expect, however, this will take place very soon; nor do I know of what nature it is to be. Such as it may be, you will, you of course be informed of it by your agent at this place.

I have the honor to be, &c.

W. SHORT.

Extract of an Ordinance for regulating, provisionally, the commerce of Louisiana and the Floridas—June 9, 1793.

The preamble states, that the inhabitants of Louisiana, being deprived of their commerce with France (on account of the war) as allowed by the ordinance of January, 1782, and his majesty considering that they and the inhabitants of the Floridas, cannot subsist without the means of disposing of their productions, and of acquiring those necessities, the present state of things, and to indemnify them for the loss of a national commerce, the commerce of those provinces and their agriculture, has directed the following articles to be provisionally observed.

The inhabitants of the above mentioned provinces to be allowed to commerce freely, both in Europe and America, with all friendly nations who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports of departure and arrival; and the articles sent or to be received. Every vessel, however, to be subjected to touch at Corubien, in Galicia, or Allicez, and to take a permit there, without which, the entry not to be allowed in the ports aforesaid.

The articles of this commerce, carried on thus directly between these provinces and foreign nations, to pay a duty of 15 per cent. importation, and 6 per cent. exportation, except negroes, who may be imported free of duty.

The productions and silver exported to purchase those negroes, to pay the 6 per cent. exportation duty; the exportation of silver to be allowed for this purpose only.

This commerce and those provinces to remain free. Spaniards to be allowed to observe the same rules, and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces, as for the other Spanish colonies.

No vessel to be employed in this commerce, all sorts of merchandise destined for Louisiana and the Floridas (even those whose admission is prohibited for other places) may be entered in the ports of Spain; and in like manner tobacco, and all other prohibited articles, may be imported into Spain from those provinces, to be re-exported to foreign countries.

To improve this commerce, and encourage the agriculture of those provinces, the importation of foreign rice into the ports of Spain is prohibited; and a like preference shall be given to the other productions of those provinces, when they shall suffice for the consumption of Spain.

All articles exported from Spain to those provinces, shall be free of duty on exportation; and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to the exporters.

These foreign articles, thus exported, to be subject to a duty of 5 per cent. on entry in those provinces; those which are not foreign to be free of duty.

All vessels from foreign countries to Spain to be of free of duty, whether consumed in Spain, or re-exported to foreign countries. Those Spanish vessels, which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of 3 per cent.

All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in his Majesty’s American dominions.

No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine, for any of the Spanish islands or other dominions in America, except for some urgent causes; in which case only, the respective Governor to give a permission; but without allowing any other articles to be embarked than the productions of those provinces.

All foreign vessels, purchased by his Majesty’s subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof.
Messrs. Carmichael and Short to the Secretary of State.

MDRADO, August 15, 1793.

Sir:

In our last letter of the 6th of June, we had the honor of informing you of our having written a letter to Mr. Gardoqui, on the 26th of May, agreeably to his desire, and in consequence of his promise to give us an immediate answer, to be transmitted officially to the President of the United States.

We informed Mr. Gardoqui that he had received every information relative to his inquiry, and that the papers were postponed until the court began to prepare for their departure from Aranjuez; on account of its being necessary, as he informed us, to concert the answer, for form sake, with the foreign department.

From that time, we were assured we should have it on their arrival at Madrid, and then, as is done with all business, it was delayed for some time on account of papers not being urgently necessary to be immediately answered. We feared the last step in the procrastinating route, viz. to desire us to write to him again on the subject, observing that that would enable him to push the foreign department.

In consequence, therefore, we wrote to him our letter of July the 13th. On the 5th of August, we received his answer, which was dated the 1st of the same month, probably by mistake, as it must have got to our hands in an hour after coming from his. On the 11th we replied thereto, previously to his leaving this place for St. Ildefonso, on the 13th. We do ourselves the honor to enclose you copies of these several pieces, Nos. 1, 2, 3, and 4. As we consider it proper to send them by duplicate, we hope you will excuse one of the copies being from the press.

They will render any comment on our part unnecessary; except as to Mr. Gardoqui’s answer being so different from what we had expected. The only external cause to which we could have attributed it, would have been what we mentioned in the last page of our letter of June the 6th. There are some circumstances, however, which induce us to believe, that the ground there mentioned, is not at present as agreeable here as it was expected it would be. Although this ground may become more favorable, yet, from what has hitherto taken place, we should rather imagine now, that the difference between Mr. Gardoqui’s written, and his verbal answer, may have proceeded from his having been in an error himself, at first, as to this commissary, and having been confirmed in it also, perhaps, from his first inquiry from the minister of foreign affairs, having referred his inquiry to us, at least as likely that by this court, should be ignorant of the existence of that commissary as Mr. Gardoqui, who is in correspondence with the Spanish agents in America, and who, from the time of his being named to treat with us here, would naturally have been informing himself on all these subjects. And he acknowledges in his letter his having told us of his own ignorance of a communication which had been made and unquestionably approved.

Our letters will have informed you of the conduct we had determined to pursue, with respect to the negotiation with which we are jointly charged, and of our reasons therefor. It appeared to us at that time, unquestionable, that you would do us the honor to write to us immediately on your being informed of the circumstances therein attended to, and from our idea of the time you would have received that information from the persons there mentioned, it seemed to certain, we might expect your letter before any considerable lapse of time. We have gone on with some degree of impatience and anxiety, under this expectation, until now, and although we have not had the honor of receiving any answer in this respect expected, yet we had been so firmly persuaded that you would have thought it necessary to have written to us, after the circumstances abovementioned, although it should have been merely to express that they had occasioned no change in the President’s intentions, that we continued to impute our not hearing from you, rather to the absence of the sea, than not having a desire to answer us.

After so long a delay, we have begun to be less easy about your opinion, as to the propriety of the line we have adopted, although our own sentiments on that subject remain the same with those we have hitherto expressed to you. Being persuaded, however, that whilst the court resided here, it would be impossible for the minister to enter seriously on the business, we have considered it best not to bring it forward before their being settled at St. Ildefonso, as this will still give us a further opportunity of previously hearing from you. They arrived at that place on the 13th, and we are now about to follow them. From the considerations abovementioned, and our present view of circumstances, we have determined, whilst there, to proceed to the discussion, if we should have received no letter from you. We should add, however, that we have no reason whatever to suppose the result will be different from what we have formerly announced to you.

We have thought it proper to give you this previous notice of our intention, and we shall also do ourselves the honor of writing to you immediately on any step being taken in consequence thereof.

This letter will be sent by post, and will carry assurances of the profound respect with which we have the honor to be, &c.

WM. CARMICHAEL,

W. SHORT.

The Secretary of State for the United States.

No. 1.

Messrs. Carmichael and Short to M. Gardoqui.

ARANJUEZ, May 26, 1793.

Sir:

We had the honor of informing your Excellency that a person by the name of Olivier had established himself in the Creek nation of Indians, and presuming to take on himself the title of an officer of his Catholic Majesty, and of his commission with that nation, had proceeded to exercise the functions of that character. It was with much satisfaction we learned from your Excellency, that no such person had been authorized by this court, and your Excellency did us the honor to tell us that you would enable us to transmit this information officially to the President of the United States.

We now repeat what we have already mentioned to your Excellency, that we shall be the more happy to have it in our power to do this, as it has been found that whatever influence this person may have acquired from being supposed the agent of his Majesty, has been employed to alter the pacific relations which have existed between us, and it known the justice, humanity, and moderation of the Government of the United States has inspired that nation in particular. We cannot forbear adding, that we persuade ourselves that measures will be taken to prevent the continuance of his name in that capacity, and that of his connections; and that he has been committed to prison, and that no dispositions have been taken to prejudice the peace of our citizens on that frontier. Your Excellency did us the honor to inform us that such a conduct would have been in direct contravention to the orders those agents had received, and which you supposed could not have dared to have violated. Still your Excellency considered it proper that strict inquiry should be made therein; and we apprehend it will be found that they have taken on themselves to deviate from the orders they have received, at least in the instances which we have had the honor of mentioning to your Excellency, of furnishing those Indians with arms and ammunition, as an incitement to, and for the purposes of, commencing hostilities against the United States. We flatter ourselves, that when this Government shall have satisfied itself of the certainty thereof, efficacious steps will be taken for that purpose, as well as to prevent the principles of goodneighborhood; and we hope that your Excellency will authorize us to transmit, officially, assurances thereof also to the President of the United States.

We have already had the honor of mentioning to your Excellency the dispositions of our Government on this subject; and which has induced them (as well from a desire to give proofs of their attachment to his Catholic Majesty,
as from a regard to humanity and the interests of their Indian neighbors,) in cultivating their particular dispositions towards the United States, uniformly to use the same efforts in exciting in them the same dispositions towards the possessions of his Majesty.

Your Excellency is too well acquainted with the moral character and habits of the Indian nations, not to know with how much more facility they are prompted to hostile aggression, even against their manifest interests, than withhold therefrom. We trust, therefore, you will think with us, that it will be for the interest, as well of his Majesty's subjects, as of the citizens of the United States, and the Indians themselves, that both Governments should agree on rules for frankly co-operating in disposing to the arts of peace and civilization such of those nations as inhabit within their respective territories or on their frontiers. We have postoned as yet bringing forward this subject, as appearing naturally connected with the final arrangements of the territorial limits, when this shall be settled, we flatter ourselves there can remain no difference of opinion as to the conduct to be held towards their Indian neighbors by two Governments which will unite in adopting humanity and justice towards them as the rule of that conduct.

With sentiments, &c.

WM. CARMICHAEL,
W. SHORT.

No. 2.
Messrs. Carmichael and Short to M. Gardouqui.

MADRID, July 15, 1793.

SIR: We had the honor of addressing your Excellency on the 26th of May last, relative to a person of the name of Olivier, who had established himself in the Creek nation of Indians, and taken on himself the title of an officer of his Catholic Majesty, and of his commissioner with that nation; and also with respect to the conduct of some of the agents of the Spanish Government in America.

We then flattered ourselves, from the previous conversation which we had the honor to have with your Excellency, that the answer to that letter could meet with no delay. Notwithstanding the time which has since elapsed, we have hitherto borne to trouble your Excellency with a second letter on the subject, because, in the frequent occasions we have had of speaking with your Excellency has always done us the honor to inform us that the answer to that which we had written was delayed only by formalities and that we must not count on receiving it.

At present we take the liberty of recalling the subject to your Excellency's mind, begging leave to refer you thereon to our abovementioned letter. We remain persuaded that your Excellency will continue to think it proper that we continued to be enabled, as soon as possible, to transmit officially to the President of the United States, those assurances which your Excellency did us the honor to give us verbally, and particularly as it will be a new proof of the friendly sentiments of his Majesty at a time when the animosity of several Indian tribes, otherwise pacifically disposed, has been excited against the United States by persons who have exhibited themselves as acting under the authority of this Government. We have the honor, &c.

WM. CARMICHAEL,
W. SHORT.

No. 3.

PALACE, August 1, 1793.

GENTLEMEN: Being now furnished with the information necessary to answer your office of the 26th of May last past, I will do it with the sincerity which forms my character, and which you deserve. Permit me, however, first to rectify the ideas, inexact and equivocal, which I observe in the said office; and which I cannot but regret, because it is necessary to fix the true sense of my explanations, to which you refer.

You begin by saying that I declared to you that our Court had not authorized Mr. Olivier, nor any other person, to exercise the functions of agent or commissary of his Catholic Majesty with the Creek Indians; and that I would enable or authorize you to give this notice officially to the President of the United States.

I confess, ingenuously, that I do not recollect to have made such an assertion, although I have perfectly in my mind all which was discussed of in our various conversations. What I declared to you was, that I did not know that his Majesty had the commissaries which you mentioned, although I by no means could offer to enable you to make a declaration which might assure the President, this being the particular business of the Minister of State. By the documents which have since come to my hands, I am every day more and more convinced in what my residence in that country proved to me continually, and it is, that the commissaries themselves, of the United States, are continually making suggestions which are untrue, and contrary to the good understanding which ought to prevail, and which happily is observed between the two Governments, interpreting unfavorably the most sincere measures of our agents, and the most innocent acts of the Governor of Florida, as has happened probably with Mr. Seagrove, who has been the origin of this business, by having fomented the hatred and enmity of those nations against Spain, with which your constituents know that the same Indians have made a solemn treaty in the beginning of the year 1784, in which they acknowledge his Catholic Majesty for their only sovereign and protector.

In consequence of this treaty with those nations, the Governor of West Florida was in duty bound to take convenient measures to assure the observance of the compact, by naming a person who might reside among them for the purpose of keeping them in peace, and who might equally take care to counterwork the designs of some, who, in fact, have endeavored to separate them from their alliance with Spain, as it appears to us that the commissary Seagrove has done; while the agents of our court have omitted no means of keeping them in peace, exerting their utmost force to dissipate them from their resolution, which they had formed the last year, of commencing hostilities against the State of Georgia, and which, as far as it related to me, I have used every possible means to put an end.

This fact, that our Government restrained those Indians, when they intended to attack the said State, must be known to Mr. Jefferson, by the office which the charged of his Catholic Majesty transmitted to him, accompanying it with an extract of a letter of the 24th September of the last year, written by the Governor of Louisiana, of which you are naturally informed.

From what is said, may be inferred how far the agents of our court have been from promoting the hatred of those nations against the United States. However, the demarcation of boundaries being one of the principal causes of the complaints which are always occurring on one side or the other, it is to be hoped, that, when this point shall be settled, these differences will cease and be cut up by the roots, as on repeated occasions I mentioned to President Washington, treating on the same business.

In the mean while, I have only to add, that you may assure your constituents that the King has given, and will give, the strictest orders to our agents to avoid every ground of complaint on the part of the United States.
To Messrs. Wm. Carmichael and Wm. Short.

No. 4.

Messrs. Carmichael and Short to M. Gardouci.

Madrid, August 11, 1792.

Sir:

The letter which your Excellency did us the honor to address us the 1st instant, in answer to ours of the 26th of May, was put into our hands the 5th.

We have considered it with that attention which is due to whatever comes from your Excellency, and we find ourselves obliged candidly to own our surprise as well as our mortification at learning from your Excellency that we so completely misunderstood what passed at the conferences which preceded our letter of the 26th of May, and occurred at its being written.

Your Excellency will unquestionably recollect our having, on different occasions, represented to you the conduct of the agents of the Spanish Government in America, in exciting the animosity of the Indian nations against the United States; and, on the other part, you will recollect having done so much by the manner in which you have spoken of such matters, as to make us believe that any such had been authorized; but that you would make inquiry thereof in the foreign department; for which purpose we furnished you, agreeably to your desire, with a copy of the passport, containing the style and title of this agent.

At a future conference, your Excellency informed us, as we understood you, that you had made that inquiry, and confirmed to us that no such agent had been employed by this Court.

On our mentioning to your Excellency our desire to receive this in writing, that we might transmit it officially to the Government of the United States, your Excellency was pleased with your kindness to intrust to us a copy in干货 the form entertained by it of the propriety which would be for us to pass you an officer on the subject, to which you would give us an answer conformable to what you had expressed to us verbally. We accordingly, the next day, in conformity to the suggestion of your Excellency, addressed you our letter of the 26th of May, in which we endeavored to adhere literally to the demand which your Excellency seemed to us to make upon you.

We have thought it proper to recall these circumstances to your Excellency's recollection, in the order in which they occurred; and we think your Excellency will agree, that it would have been difficult for us to have derived from them any other idea than that which we had the honor to express in our letter of the 26th of May. It being our duty to us as well as to our country, to make the President of the United States as fully acquainted as we can, with the sentiments of this court on that subject, we shall not fail to transmit to him, for greater exactitude, a copy of your Excellency's letter.

We cannot forbear, in the mean time, noticing several parts of it, and particularly those most connected with the subject above mentioned.

Your Excellency does us the honor to inform us, that an agent has been named to reside with the Indians, and that in consequence of the treaty formed between Spain and them, in the year 1784, by which they acknowledge his Catholic Majesty for their only sovereign and protector. The contents of that treaty having never been made known to us, we can say nothing with respect to it. We take it for granted, however, that it must have been intended to apply to such tribes as inhabit within the dominions of his Catholic Majesty. To pretend that one sovereign has a right to treat with persons inhabiting within the territory of another, and to take those persons under his sovereignty and protection, would be so contrary to the established laws of nations, and so subversive of all social order and government, that we must suppose this court would be less disposed than any other to admit of such a precedent.

Your Excellency will readily see that such a system, being adopted by one party, would give the other an unjust advantage. For instead of making use of it also the consequences of which would have been, that they would present themselves as fully to your Excellency as to ourselves, and because we are convinced all his Majesty's ministers would be as far from countenancing so destructive a system as the United States have been. The conduct they have observed in this respect is well known to your Excellency. In their treaty with the Creek nation (which was immediately rendered public and notorious to all by the way of impression, and of which we put a copy into the hands of your Excellency,) you will have observed they confined their protection expressly to those inhabiting within the limits of the United States.

Unانteo. As your Excellency when you were establishing a commissary among the Indians, was to conduct the designs of such persons as had attempted to separate them from their allegiance with Spain, and nominably Mr. Seagrove.

As to the alliance, we can add nothing to what we have said above, and for the reason there mentioned. But with respect to Mr. Seagrove, we repeat here, what we have often had the honor of mentioning to your Excellency, that our agent with the Indians bordering on the territories of Spain has a standing instruction to use his endeavors to prevent them from committing acts of hostility against his Majesty's dominions. And we know so fully this to be the decided will of said Government, that we do not scruple to say, that, if Mr. Seagrove, or any other agent, should have acted contrary thereto, they will, on its being made appear to them, so conduct themselves towards those agents as to give an unquestionable proof of their determination to have that will fully complied with. And here it will not escape your Excellency, how much more facility you would have in establishing the truth of any misconduct in the agents of the United States than we have, under similar circumstances, with respect to those of Spain—the situation of our Government, and their immediate communication with the scene, exempting them from the necessity of applying for information with respect to complaints of this kind to the very agents complained of.

The conduct they have observed in this respect is well known to your Excellency. In their treaty with the Creek nation, which was immediately rendered public and notorious to all by the way of impression, and of which we put a copy into the hands of your Excellency, you will have observed they confined their protection expressly to those inhabiting within the limits of the United States.

Your Excellency does us the honor also to inform us, that the agents of your Government had dissuaded the Indians from the resolution they had taken last year of commencing hostilities against the State of Georgia, in order to recover the lands which they had usurped from them. And your Excellency adds, that it is to be inferred from hence how far these agents have been from exciting the animosity of the Indians against the United States.

As your Excellency may be aware, that the States of Alabama and Georgia had in former times, by their own treaty made with our dominion, declared that they had no contrary to the treaty above mentioned will have shown your Excellency that these Indians had, for stipulated sums, alienated whatever claim they might have to occupy the lands within the bounds there agreed to, and which were to be marked in the manner and at the time agreed on. The lands so purchased have ever since been disposed to mark the boundary in the manner agreed on, and we can hardly suppose that any of the citizens of the United States would have ventured to have transgressed it.

There is one error into which we think your Excellency has been induced, and which we consider it our duty here to mention; namely, that it had been shown to Mr. Jefferson by the office of his Majesty's charge des affaires, accompanying an extract of a letter from the Governor of Louisiana, that the Indians had been restrained from
attacking the United States. We were informed, on the contrary, by that minister, that this was so far from being the case, that at that time they had invaded our frontier in force.

It is useless to add, that an invasion which had taken place cannot be said to have been prevented; and we trust your Excellency will not blame the behavior of your agents being thus different from what they had represented it to be, the inference proposed cannot be considered as derivable therefrom.

We have repeatedly had the honor of mentioning to your Excellency what their conduct in general had been, and that of the Governor of Louisiana in particular. We have never failed to add, at the same time, what he at present here, that the representations of the United States, as understood in the full persuasion that this was without the knowledge, and contrary to the intentions of this court. It was in consequence of this persuasion that we were instructed to enter into the most friendly expostulations with you on the conduct of those agents. We accordingly did it, and stated your Excellency, and those of the United States, had been authorized by the Majesty of State to do that the Baron de Carondelet had excited the Indians to war on us; had furnished them with abundance of arms and ammunition, and promised them whatever more might be necessary. After having brought this conduct to the knowledge of your Excellency, and in such a manner as to show the full reliance of the United States on the friendly dispositions of his Catholic Majesty, we trust your Excellency will agree that the measures adopted to prevent that the event should show that adequate measures have been taken to prevent these agents from a future deviation from the intentions of this Government.

We have endeavored, with your Excellency, that the demarcation of the limits shall be settled, all differences will be eradicated; and we do not doubt that your Excellency will be of opinion that, in the mean time, and until such an event shall have been attained, every step should be taken by both Governments, with sincerity and good faith, to prevent grounded complaints on either side. With sentiments, &c.

W. M. CARMICHAEL.

W. SHORT.

The Secretary of State for the United States, Philadelphia.

Mr. Short to the Secretary of State.

St. Ildefonso, August 20, 1793.

[Sign.] This letter is merely to enclose you a copy of the convention between this country and England. For what reason I know not, an uncommon degree of secrecy has been observed with respect to it, even since its being signed; and, as yet, very few persons, even of the corps diplomatique, have had a sight of it, or have ever known with certainty whether any such convention was really signed, although it has been suspected by most of them that something had been done in the two countries between the two days of these said events.

Although it is probable it will be published in England, and thus get to you sooner by that route, still I have thought it proper, by way of precaution, to send you the copy which the departure of the post has barely allowed me time to take. I shall, by the next post, forward it to you by duplicate.

It would seem that the usual language of such pieces had been abolished, as it was signed, I believe, only in Spanish and English! I have only seen it in the former. It was communicated to me as a mark of particular friendship and confidence, by a person whose name I am not at liberty to mention, and which, of course, would be useless.

I have the honor to be, &c.

W. SHORT.

Translation from the Spanish of a Convention between Spain and Great Britain, signed at Aranjuez, May 25, 1793.

Their Catholic and Britannic Majesties, having resolved, on view of the present circumstances of Europe, to establish a mutual confidence, friendship, and good correspondence, by means of a provisional convention, until they shall perfect entirely the solid system of alliance and commerce, which they so much desire to establish between them and their respective subjects, have named and authorized for this purpose, viz. their Catholic Majesty, the Duke de la Alcudia, &c. and his Britannic Majesty, Lord St. Helens, &c. who, after having communicated in due form their full powers, have agreed upon the following articles:

Art. 1. The said Kings will employ their greatest attention, and all the means in their power, to re-establish the public tranquility and to support their common interests, and they promise and oblig themselves to proceed promptly, if occasion require it, to all the necessary means of the establishment of the aforesaid rights for the benefit of neutrals.

Art. 2. As their said Majesties have had just grounds of jealousy and inquietude for the security of their respective States, and for the preservation of the general system of Europe, in the measures which, for some time past, have been taken by the contracting parties, in both the States, they now promise and agree to join themselves in the most intimate and entire concert as to the means of opposing a sufficient barrier to those views, so prejudicial, of aggression and aggravement; and France having declared an absolute and unjust war, as well against his Britannic Majesty as against his Catholic Majesty, their said Majesties obligate themselves to make common cause in this war.

The said high contracting parties will concert mutually whatever may be relative to the succours which they are to give the one to the other, as also the use of their forces for their respective security and defence and for the good of the common cause.

Art. 3. In consequence of what is provided in the preceding article, and to the end that the Spanish and British vessels may be mutually protected and aided during the present war, as well in their navigation as in the ports of the two high contracting parties, their Catholic and Britannic Majesties have agreed, and do agree, that their squadrons and vessels of war shall give convoy, without distinction, to the merchant vessels of their nations, in the manner established for their own, as far as circumstances will permit; and that, as the vessels of war as the merchant vessels, shall be admitted and protected, in the respective ports, facilitating to them the succours which they need, at the current prices.

Art. 4. Their said Majesties oblige themselves reciprocally to shut all their ports to the French vessels; not to permit, that, in any case, there shall be drawn from their ports, for France, warlike stores, or whatever other kind, salted meats, nor other provisions; and to take all the measures which are in their power to injure the commerce of France, and to reduce her, by that means, to just conditions of peace.

Art. 5. Their said Majesties oblige themselves, equally, inasmuch as the present war is of common interest to every civilized country, to resume all their forces, in order to hinder the Powers which take part in the war, from giving, in consequence of their neutrality, any protection, direct or indirect, on the sea, or in the ports of France, to the commerce of the French, or to any thing which belongs to them.

Art. 6. Their said Catholic and Britannic Majesties promise, reciprocally, not to lay down their arms, unless it be by common consent, without having obtained restitution of all the states, territories, countries, and places, which may have belonged to the one or the other, before the beginning of the war, and of which the enemy may have possessed himself during the course of hostilities.

Art. 7. In case any one of the high contracting parties shall be attacked, molested, or inquieted, in any of their States, rights, possessions, or interests, in any time or manner whatsoever, by sea or by land, in consequence, or in hatred, of the articles or stipulations contained in the present treaty, or of the measures which shall be taken in consequence of them; any party in virtue of this treaty, the other contracting party is obliged to succour and make common cause with him, in the manner which is stipulated by the preceding articles.

Art. 8 relates to the ratification, which is to be exchanged in six weeks.
SIR,

The dispatches which you forwarded by Mr. Blake having been delivered to us, we think it proper to make use of the first conveyance to announce it to you. This being by the ordinary post, we shall send two copies of this letter by to-morrow's mail, being the first for Cadiz and Lisbon. Mr. Blake arrived at Madrid on the 24th instant. The Court was to come to the next day from St. Ildefonso to this place. Mr. Carmichael's indisposition prevented his not accompanying the company until the 25th. We therefore then to the other commissioner, who had come directly to this place from St. Ildefonso. We immediately proceeded to take a joint communication of your several letters of May 18, June 30, July 12, and 16, and the papers they respectively enclosed, as well as to give you their roughing the instructions and attention. It is with a mortification which you will easily conceive, that we have observed that none of our letters had been received by you so low down as the departure of Mr. Blake. Those written February 19, April 18, and May 5, we might have hoped would certainly have got to your hands before that time, and possibly that of June 6th. The three first were sent by duplicates, and the fourth by triplicate. They were profuse in the extreme, and gave you a full account of all that had taken place, and of all we knew or expected. Nothing has since occurred to change our opinions or expectations on those subjects, nor can we yet add any thing of importance to what we then said. Taking it for granted that some of the copies of these letters will have been received, we think we cannot do better by this conveyance than to confirm what we therein said.

Although nothing new occurred after the first conferences, of which we rendered you a full account in our letters of April 18, and May 5, yet we should have written more often, merely to have repeated their contents, had such conveyances, as we could with propriety have made use of, occurred more often.

This, however, was not the case, and as the conveyances did not depend on us, the two letters above mentioned were delayed thereby after having been written. Nothing in the bosom of futurity appeared to us more inevitably certain, than that you would consider it indispensable to write to us, after having received the information, which we knew would get to you from others previous to the receipt of our letters; and that expectation had the influence on us which we have formerly mentioned to you. Until Mr. Blake's arrival, however, we have not had the honor of receiving a single line from you since your letter of May 18. We received the letter of the 31st of May; and as you have reminded us of what was passing in the United States, to a degree which added beyond measure to our embarrassment.

We had the honor of writing to you, also, on the 15th of August, enclosing copies of letters which had passed between us and ourselves. The intention which we therein announced to you for St. Ildefonso was changed after our arrival, for the reasons which we shall mention by another conveyance. Those matters therefore remain in state quo.

We have the honor to proceed to lay before M. de Gardonqui the substance of your letter, and will endeavor to get his answer in time to despatch Mr. Blake by the middle of October. Our experience, however, of the delay usually used, by no means allows us to be sure of it. An answer to the subject contained in your letter is all that you can expect by him. Nothing new will be known with respect to the subjects of our former letters to you, or at least nothing more favorable than what we then mentioned to you.

Col. Humphreys wrote us some time ago that he had received from you two letters for us, which you desired he might entrust to some person of confidence, and that not having found such an one to forward them by, he should leave them to the care of Mr. Blake, with the understanding, that the said conveyance should present itself, or if not, to take our orders thereon. As you did not direct Col. Humphreys to send a special messenger with them, we fear to do it, being unacquainted with the nature of their contents, and the expense being considerable. We know not, therefore, when or how we shall receive those letters, but hope Mr. Church will find out some means of conveying them to us by some person of confidence coming from thence.

* You will have received the convention between England and Spain; we think you may as well be interpreted in its most extensive sense, [grew. 512] and that a rupture with either party, for any cause, however different from those expressed, would be made common to both.

Naples has joined the league against France, by a convention of the month of July. It is thought that their succors and the Piedmontese troops are by this time at Toulon.

We have the honor to be, &c.

W.M. CARMCHEL.

W. SHORT.

P. S. The treaties alluded to in your letter of May 31 were not enclosed, as announced by you.

SECRETARY OF STATE, for the United States, Philadelphia.

Articles of Convention, Treaty, and Pacification, stipulated and agreed on by the Spanish nation with the Talpa- ches Indios, at the Congress held for this purpose in the Fort of Pensacola, the capital of West Florida, on the 25th day of May and 1st of June, 1784.

In the name of God Almighty, be it known to all to whom these presents come or may come, That the said Stephen Miro, Colonel of the regiment of infantry established in Louisiana, and commandant charged with the civil and military government of that province, by order of his Excellency the Count De Galvez, Lieutenant General of the royal armies, Governor and Captain General of the provinces of Louisiana and West Florida, Colonel Don Arthur O'Neill, Governor, civil and military, of this town of Pensacola, Don Martin Navarro, Intendant General of the said provinces, and Alexander McAllivray, principal representative of the towns of the Upper Talapaques, Middle Talapaques, and Lower Talapaques, called Seminole or Wanderers, the Savanas or Joannis, and part of the Natchez and Chickasaws; stipulating in the name of all in general, and particularly for Aberge-le, principal chief of the four towns of Talasie; Yascha, or the man dog, chief of the town of Toonacape; Mecko Apoghes, of that of Hudo-caye: Taske Ohmina, of that of Sihlabae; Opayaacho, of that of Pakana Talahalache Taskikina, of that of Creval; Oregnol, of that of Atache; Opay Mecko, of that of Ochiano; Nemti Guasaucho, of that of Edomé; Mecko Doune Nichelo, chief of the town of Couplacape; Taskikina, of that of the Seneca Ayahlahacho; of that of Taskika: Acabe Nichelo, principal chief of Aberge-le, and three towns of Aberce; Opay of that of Statoloce; Nakamatawazay, of that of Uhihuco, or the waters which follow, with the towns of Alibam, Conchatas, and Tauschas, and the towns of Osasie, Taekes Teshooucule, or the middle road, Canatatke, or Tetchoune, Tontachue, Ossaca, Sougaartch, all Upper Talapaques towns, with many others towns and villages, having given consent to whatever the above said Alexander McAllivray shall do and treat, who treats also in the name of Yahba Mecko, principal chief of the three towns of Cahuacas, in the Middle Talapaques of Pisto Mecko, principal chief of the town of Uteaka; in the Lower Talapaques of the Cowne; of that of Echata Chachas Mecko, of that of Cachas; Finnish Mecko, of that of Apulchaculoch from Ulochae, and of the towns of Chapapche, Ocone, Lower Talapaques, or Seminole; of Usatastaneque, or war dog, chief of the town of Natchez of Chickasaw Mingo, of that of the Chickasaw retired arrow, the Talapuchy; in the name, also, of various other towns, chiefs, captains, and people, both present and chiefs, men, and women, do hereby tender the hand of friendship and peace, and to obliterate the remembrance of the evils caused by the last war, and to make all the subjects of his Catholic Majesty enjoy the fruits of peace, to conclude and cement, on the most solid foundations, the friendship and good union which the Spanish nation profers to the Talapauchy tribes, have agreed on the following articles:

* This paragraph written in ciphers.
ARTICLE 1. We, the said chiefs of the Talapuchy nation, for ourselves, and in the name of the other chiefs, captains, warriors, and others, of whatever quality, sex, or condition, they be, promise and engage ourselves before the Sifer of God, to whom all things, and all things, and whatsoever may happen, to keep and maintain an inviolable peace and fidelity with his Catholic Majesty, his provinces, subjects, and vassals, procuring to ourselves reciprocally whatever advantages may contribute to the interest and glory of both the contracting parties. We, in the name of the royal service of his Catholic Majesty, our lives and fortunes, and we promise to obey the sovereign orders which, in a case of necessity, shall be communicated to us by the Captain General of the provinces of Louisiana and Florida, and, in his name, by the respective Governors or particular commanders of said provinces, conducting ourselves always with the greatest harmony, union, and good friendship; understand and promise that whatever may happen, we will, in time of war, whether to obey the King against the Spaniards, in the provinces of the Spain, in those parts which are compatible with our character and circumstances, conforming ourselves to the usages and municipal customs which are established, and hereafter shall be established, in the provinces of Louisiana and both Floridas; regulating, in every thing of common accord, and in good faith, the difficult points which may need explanation.

Art. 2. To correspond on the part of his Catholic Majesty, to the confidence which merit the worthy and honorable chiefs of Talapuchy nation, and the others who are in the lands conquered by the arms of his Majesty, we, the above named Don Stephen Miro, deputy of the province of Louisiana, Don Arthur O'Neill, commander of the fortress of Pensacola, and Don Martin Navarro, Intendant General of both provinces, promise, in the name of the King, to proportion among the contracting nations a commerce permanent and unalterable, unless the inevitable event of war impedes the exact fulfilment of this promise, at the most equitable prices to which effect there shall be formed, by agreement of both parties, conjointly, in this present Congress, corresponding tariffs or regulations, by which the mutual traffic shall be fixed, and which shall be inviolably observed by the individuals of the contracting parties, with the most religious scrupulosity.

Art. 3. To encourage more and more commerce and agriculture, the Talapuchy nation shall establish a general peace with the nations of Chickasaws, Choctaws, and others of the continent, ceasing all kind of hostility, forgetting all the past, and living in the greatest harmony. The disturber of these good dispositions and desires, shall be considered as an enemy of the public tranquility of mankind, and of the contracting parties.

Art. 4. In pursuance of the humanity, and corresponding to the generous sentiments of the Spanish nation, we renounce forever the practice of taking scalps, or making slaves of the whites; and in case of an unexpected war against the enemies of his Catholic Majesty should put us in the case of necessity, we promise, and we will treat him with that hospitality which corresponds in imitation of the civilized nations, exchanging afterwards with an equal number of Indians, or receiving in place thereof the quantity of merchandise which shall be previously stipulated, without committing any of the said prisoners of war the least attempt on their life.

Art. 5. We promise, in good faith, to the order of the Governor General of these provinces, all the white prisoners subjects of the United States of America, if it be found that there is any one detained, and we will not exact for them any reward.

Art. 6. We will not admit deserter, nor negro nor mulatto slaves, fugitives (amarnores) of the provinces of Louisiana and Florida, into our establishments; and those who shall present themselves within them, shall be immediately apprehended by us, at the orders of the Governor, satisfaction being made us for the apprehension by the corps, if the person apprehended be a soldier, or by the master to whom he belongs, if he be a slave.

Art. 7. We will prevent our people, from committing any theft of horses or cattle, of whatsoever kind they be; and those which shall be met with, stolen, in whatsoever place it be, shall be returned with good faith, whenever they shall be reclaimed by the parties interested, who shall be under the necessary obligation of proving before the Governor, or chief of the towns in which they shall be, the property of the prize demanded.

Art. 8. We will afford to the Spanish traders, in proportion to the respective licences of the Governor to trade in our towns, all the protection and assistance which they may want, observing our contracts according to good faith, and the rules of the tariff, of which they shall deliver us the necessary copies.

Art. 9. We will not permit them to do it secretly, by fixing their magazines in the woods, and other private places, to the end to avoid, by these means, the disorder which a like abuse and mal-practice would occasion. If any one shall contravene this article, we will give notice thereof to the chief of the place, that he may take the measures which he may esteem necessary.

Art. 10. We promise to satisfy, and justify, the respective demands of the states, and on which depend our lives and properties, as well as the tranquillity of our towns, whenever any individual of our nation shall commit the horrible and detestable crime of murder, on the person of any subject of his Catholic Majesty, we oblige ourselves to deliver the head of the aggressor. In mutual consideration of which, we, the said deputy Governor, and the respective commanders of these provinces, oblige ourselves, that when the same shall happen by the subjects of his Catholic Majesty, we will punish the delinquent conformably to the laws of our kingdom, in presence of the chief of the sufferers.

Art. 11. As the generous mind of his Catholic Majesty does not exact from the nations of Indians any lands to form establishments, to the prejudice of the right of those who enjoy them, in consequence, and with a knowledge of his paternal love towards his beloved nations, we promise, in his royal name, the security and guarantee of those actually hold, according to the right of property with which they possessed on condition that they are comprehended within the lines and limits of his Catholic Majesty, our sovereign. And to make more evident the extent of his royal clemency, whenever by any war or other accident the Talapuchy may be dispossessed of theirs lands by the enemies of the crown, there shall be granted to them others equivalent, which may be vacant, for the use of the natives, without other concern or detriment than that of the use of their fidelity, and the improved accomplishment, and entire observance of this, while the royal approbation of his Majesty shall be solicited, to whom I, the said deputy Governor of Louisiana will send it, we, the said Governor and Intendant, with the said Alexander Magillivray, interpreter of the English idioms, for the use of the said Majesty in the said province, have signed these presents, and sealed the same with the seal of our arms, and countersigned by the underwritten Secretary of the Government, and Captanty General of the provinces of Louisiana and West Florida, in the fort of Pensacola, the first of the month of June, in the year 1784.

STEPHEN MIRO,
ARTHUR O'NEILL,
MARTIN NAVARRO,
ALEXANDER McGILLIVRAY.

By order of his superior:

ANDREZ LOPEZ DE ARRESTO.

A copy:

JAUDENES,
VIR.

1785] SPAIN AND THE INDIANS. 279
A TREATY OF FRIENDSHIP

Between his Catholic Majesty, the great King of the Spains and the Indies, on the one part, represented by Don Manuel Gayoso de Leones, colonel of the royal armies, Governor of the fort of the Natchez, and the chiefs and heads of the Natchez nation, and on the other, Tascaduca, King of the Chickasaw nation, and Francimaristabia, principal chief of the Chickasaw nation, accompanied by Yteleghana, Stonahama, Tapenahama, and Noesahuma Acho, all and in the presence of many captains and warriors of both nations, who came to the same fort voluntarily, and being assembled before the said King, the parties employed, and many respectable neighbours, promised reciprocally a perpetual friendship between the people of the three nations, Spanish, Chickasaw, and Choctaw; and that nothing might in future disturb or change this good harmony, they agreed unanimously on the following articles:

ARTICLE 1. That the individuals of the Spanish, Chickasaw, and Choctaw nations shall love one another reciprocally, and shall give prompt information to each other of whatever may be favorable or adverse to each in particular, and all in general.

ARTICLE 2. That, to remove every motive of discord, which in future times might occur about limits, the Chickasaw and Choctaw nations acknowledge that the limits of the dominions of his Majesty in the neighborhood of their territory, on the western side, begin on the river Mississippi, at the mouth of the river Yawu, and ascending the said river along the middle of its waters, till it comes near to the place called Juego de la Pelota, where the English nation, having entered into treaties, agrees that their nation shall have the division of the land on the left, and the Spanish nation shall enter and follow the said line from the said Juego de la Pelota, till it meets those which separate the rest of the dominions of his Catholic Majesty from the Alibamones and Talipuche nations.

ARTICLE 3. That the said Chickasaw and Choctaw nations declare, that all the lands which are to the south and to the west of the said line belong indisputably to his Catholic Majesty, great King of the Spains and the Indies, without that, that they for themselves or their descendants have any right to them, nor at any time may reclaim them under any pretext or motive it may be, and moreover they promise to support the Spanish nation in possession of the said lands, in which are especially comprehended the government and territory of the Natchez, as far as the waters of the Yawu.

ARTICLE 4. That the Spanish nation declares and acknowledges that all the lands to the east of the said dividing line of the 2d article belong lawfully and indisputably to the Chickasaw and Choctaw nations, promising to support them in their possession.

ARTICLE 5. The Chickasaw and Choctaw nations shall preserve a most particular harmony with the Governor General of Louisiana and both Floridas, with the particular of the Natchez, and with the commandants of the other forts and posts of the dominions of his Catholic Majesty in the neighborhood of their territory, for the reciprocal benefit and utility of the three mentioned nations, as appears in the following articles.

ARTICLE 6. That the said two nations leave to the determination of the Governor of the Natchez the making them a generous demonstration for the good will with which they have ceded all their rights to the territory of the Natchez nation, freely to the Yawu, and the dividing line contained in the 2d article.

ARTICLE 7. The Governor of the Natchez promises to make a corresponding present, in the name of his Catholic Majesty, to the chiefs present; and to the end that they may distribute them among the other individuals whom they may think entitled, in order to give them this proof the more of the generosity of the Spanish nation, and of the good harmony which they desire to preserve with the Indian nations their neighbors, and to the end that this condition may not be in suspense, he delivers at present to the said chiefs the keys of the royal magazines, in which are the goods; that they may take from them what they desire, to their satisfaction.

ARTICLE 8. That the said chiefs, before named, acknowledge themselves satisfied with the goods which they have in their power, with the keys in their hands of the said magazines, having already seen what is in them.

ARTICLE 9. Finally, the Chickasaw and Choctaw nations confirm and promise that they will be the constant friends of the Spanish nation, and to observe towards it whatever was covenanted at the congress of Mobile, and whatever they have since covenanted with the Governors General of Louisiana and the two Floridas, and with the particular of the district of the Natchez; and the Spanish nation promises them eternal friendship, and to observe all the conditions covenanted in the said congress of Mobile, and whatsoever the said Governors have promised them since.

In proof of which, we promise to hold and keep whatsoever is expressed in the present treaty; we sign it, all the said Indian chiefs, Tascadotca, Franciscoabia, Yteleghana, Stonahama, Tapenahama, and Noesahumaacho, putting our marks with the said don Manuel Gayoso de Leones, colonel of the royal armies, Governor, military and civil of the fort of the Natchez, and its district, and the witnesses present, who in addition also sign it; sealed with the royal seal, and countersigned by the underwritten secretary, don Joseph Vidal, being assembled in congress in the parochial church called the Savior of the World, of the said fort of the Natchez, on the 14th of May, 1796.


Copy.

JAUENDES, VIAR.

TRANSLATION.

From a Spanish translation of a paper written by the Cherokee Nation to the Governor of New Orleans.

Full of respect and gratitude, the Cherokee nation united, has heard with satisfaction the message by the persons you sent, and gives you expressive thanks for the great generosity with which you offer to assist them with all the means which depend on your power. A general meeting of the Indians is convoking for this effect, and what the warriors of the Fort have, and the other chiefs have expressed to you on the oppression which we suffer, is the same which the nation represents.

It complains bitterly of the ungenerous manner with which the Americans have appropriated to themselves their dwelling lands. The first treaty which was held after the war with Great Britain, was at Seneca, and was called the Treaty of Fort Houghton; in it the Indians obtained cessions from the British, and also promised such perpetual consent of the nation, because it is certain that the lands were settled before their consent was asked. The passion of the Americans for establishing themselves on the lands of the Indians, is too well known to you to need explanation. The American armies, the armies of America, the armies of the world, the armies of the Indians, the nation universally reclaims and insists to preserve its ancient limits on which they agreed with the British nation. They pray you to employ all your force, to obtain from his Majesty, if it be possible, this favor; and if it is not possible to arrive at the consent of the world, to procure that the settlement at Cumberland alone, shall be removed at all events; without this, nothing will satisfy the Cherokee nation.

Cumberland was settled towards the conclusion of the last war, by a certain Robertson, and some companions of his, who, concealing their journey and designs, took possession, by force, of those lands. Perhaps the Americans will make it appear, that they possess these by free and lawful treaties. But it is not so; and all the nation declares, on the contrary, that neither the last treaty, nor the former, were explained to the Indians, and they only knew their contents on their return to their nation.
Robertson and his companions are the real and true cause that so much blood has been spilt; and the confusion which has subsisted, and still subsists, is owing entirely to this settlement; and, while it remains in this place, there is no hope of a solid peace. This settlement taken away, the Cherokee nation declares that it does not desire to be an enemy to the Americans; but that it does not entertain this solicitude from caprice or pique; that they never questioned the legality of their former treaties, because, under the British Government, they were treated with justice and humanity.

The nation, moreover, informs you, that they all will preserve in remembrance your words, and will give attention to your friendly counsel. Do nothing, if possible, against them. But if, on the other side, necessity compels you to take the field, they pray you will not impute it to their fault, because force alone will be the cause which places them under such an extremity, which they would avoid if possible. The Creeks pass daily in great numbers through this nation, which prays you to induce them to keep themselves quiet till the issue of the negotiation about their lands is known.

Given in the Cherokee nation, by me, and at the particular desire of the chiefs and warriors thereof, this 5th of April, 1792.

SPAIN.

BROTHERS:

I have seen with much satisfaction the chiefs, Respiration, Chickemogga Charles, and the Bloody Fellow warrior, of your nation. I have heard their words, which I will preserve in my heart.

The losses and misfortunes of your nation have afflicted me, and I desire sincerely to relieve them.

I transmit to the great King of the Spains whatever your messengers have said to me. His Majesty keeps in his heart all the colored people, who plant their happiness, and that all of them shall live in peace, and preserve their lands. The great King will employ with pleasure his mediation between your nation and those of the north, your allies, with the United States, his friends, for the re-establishment of peace between both, and that all may be content.

Brothers: Your messengers will tell you what they have seen and heard; the good counsels which I have given them; the strict union which I procure for the happiness of the colored men, our good friends, and to keep at a distance from them, in future, the miseries of war. Let your nation suspend all hostility against the United States, keeping themselves within their lands, on the defensive, while the great King treats of peace between you and the Americans, your neighbors, and obtains from them the lands necessary for your habitations, with a demarcation of the same, which may leave no more room for contest.

You will let me know your claims, as to limits, that I may immediately inform the great King of them; and the desirability of the north, your Allies, will let me know theirs, I will procure that they may be comprised in the same treaty, which shall terminate your differences with the United States.

Given, these presents, signed with my hand, sealed with the seal of my arms, in the city of New Orleans, the 24th of November, 1792.

The BARON DE CARONDELETT.

By order of his Seignory:

ANDREW LOPEZ DE ARNESTO.

Copy of the Relation of Uguglayacobe of the occurrences of his Journey to Cumberland.

He said that, on his return from visiting his father, the chief of New Orleans, from whence he came with a very handsom present, which had contented and satisfied him much, he met in the road two Americans, who persuaded him presently to go to Cumberland, where they would receive, as they told him, a good present. Uguglayacobe answered them, that he had been a long time to see his father at New Orleans, who had given him whatever he desired; that the Spaniards were his Whites; that he desired no others. After which answer, they solicited him no more. But, having arrived at his nation, they went to his cabin, and teased him so much, that he found himself under the necessity to procure the former seal to Cumberland, with the design of seeing if it was true that Pymimigo had ceded lands to the Americans, as he had heard say, and if in truth these were soliciting them from the Indians, as they had informed him. That, having arrived at Cumberland, they spoke to Governor Blount, who caressed him much, and proposed to him to establish a factory or magazine of trade at Bear creek, which Uguglayacobe refused, because he did not desire any such establishment there, nor anywhere else; that he had the Spaniards for his Whites; that they furnished his nation with all the goods they wanted; that he might see by the clothes he had on, that he wanted for nothing; that on this, Governor Blount looked at him with evil eyes, and said to him, "You have sold your lands to the Spaniards, to which he replied, that it was not so, since they had no need of them. That then Governor Blount asked him if he would assist the Americans, if they should have war with the Whites; to which Uguglayacobe answered, that he would stand back and let them fight one another, but that he never would permit the Americans to injure the nation he was with, which he esteemed for a nation where there was friendship. That he forgave to the Americans a great coat and a hat, a very pretty little one, which he could not get on his head, and so gave it to his son, because he was going to be married. That the Americans gave a dozen cart loads of goods to the Indians, for the value (as they told him) of $3,000; that he had little ammunition, no axes, mattocks, nor hatches, some guns, much whiskey, victuals in abundance, at pleasure.

A copy: JAUDENES, VIAR.

CHARLESTON, September 24, 1787.

DEAR MAJOR:

The receipt of your kind favor, by Mr. Barrel, afforded me the greatest satisfaction, and can assure you that I should have been happy in obliging not only that gentleman, but any person whom you would please to recommend to my attention. The disgust he has taken at the southern country, and his consequent short stay among us, deprive me of the pleasure of serving him as I would wish. Not many days have elapsed since my arrival from the Western waters, on particular business to this city. My intention is to return immediately to the state of Franklin, in which case I hope to see you before long. I have informed Mr. Barrel that I should have been happy in his company, but he is totally unprepared, either in baggage or horses, for a march beyond the Alleghany mountains. Though a good young man, he seems not only to be unfit for such a service, but is totally unacquainted with the country in general. I thank you for your opinion concerning certain matters. There is no part of the continent where you

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could live more at your ease than in Franklin. I would advise you, therefore, (previous to bringing on your family) to come southward by the first opportunity, and secure a body of land for yourself on the Tennessee river. There will be work cut out for you in that country. I want you much. By—, take my word for it that we will be speedily in possession of New Orleans. I particularly request that this letter may not extend beyond your own persona. Adieu.

JOHN SULLIVAN.

P. S. Write me immediately what you mean to do, and enclose your letters to Major Washington, of Savannah. Addressed to Major William Brown, late of the Maryland Artillery.

PHILADELPHIA, November 6, 1787.

Oliver Pollock, Esq. hath shown to us the letter of which the foregoing is a true copy. The original has every mark of authenticity, and we believe it to be a genuine letter from the above named John Sullivan, to Major William Brown.

ROBERT MORRIS, GOV' R MORRIS.

Extract of a letter from Governor Blount to the Secretary of War, dated July 28, 1791.

The enclosed information may be dependent upon, as Captain Smith is a man of well known veracity; whether it is of any importance, is not for me to determine, but I have conceived it my duty to give it.

I have the honor to be, &c.

"Captain David Smith, now of Nashville, and heretofore an inhabitant of the district of the Natchez, informs, that on the 23d day of May, 1791, he was at the Walnut-hills with Governor Grasso, of that district; that the Spaniards are erecting there a fort, under Grasso's directions, that will cover ten acres of ground, the lines of which were measured to the bank of the Mississippi, about a mile and a half below the mouth of the river Yazoo, on a high bluff, in latitude 32° 44', as appeared by an observation made by Grasso himself, or by his order. This place is twenty-five miles by land above the upper settlements of the Natchez district.

That two block houses and large barracks were completed; that a galley and gun-boat were lying in the river; and that two men were expected from Orleans: that besides Spaniards, there were about thirty deserters from the federal troops, engaged in building the fort, who were paid fifteen dollars per month for their services."

Extract of a letter from Timothy Barnard to James Seagrove.

"FLINT'S RIVER, July 13, 1792.

"The Cussetah King has been here with me these five days past, and went off for the town yesterday, just before I received your letter. Chief of his business was to inquire of me what I thought of the present situation of affairs in the nation, as they found what I had told them respecting Bowles turned out nearly as I had told them. He wished to know a little about the grounds of what this Spanish officer meant by the talks he had given them, which was, in the first place, not to run the line, but to come down to a meeting at Pensacola and Mobile, where the Spaniards, this officer told them, would call the Choctaws, Chickasaws, Cherokees, and Creeks, and give them all one talk, and when they had all agreed to one talk, that they should all be furnished with arms, ammunition, and all other implements of war in their land, and then they were to lay still till they found that the subjects encroached on their lands; and if they did, for them to defend their rights; and that they, the Spaniards, would be at their backs. This, I told the Cussetah King, he might easily see into, as I had lately heard that there were some disputes on the Mississippi, between the Spaniards and Americans, about the land. That the Spaniards were afraid of the Americans, and that they wanted to get the Indians to fight the Americans, first, to save themselves, and get the Indians all destroyed; and then think it will be time enough for them to begin. I told him many other things that I thought would take with him, which he seemed to take great notice of. He says, that, as matters cannot be settled till towards the fall with the State of Georgia, that they have agreed to go and hear the Spaniards' talks, and if they have any thing to give them, they will take it, but that they are determined not to take any talks to do any mischief to their friends the Americans."

Extracts from letters of the Secretary of War to Brigadier General Josiah Harmar.

"WAR OFFICE, October 15, 1787.

"In consequence of a letter written by John Sullivan to Don Diego de Gardoqui, the Encargado de Negocios of his most Catholic Majesty, bearing date the first of March last, and which has been published by the said Sullivan, as if appear by the enclosed paper, Congress have passed the resolve herewith transmitted.

"If, therefore, the said Sullivan should come within the federal territory, you will seize and confine him according to the said resolution, and report the same to me for the information of Congress, and for their further orders respecting him."

"WAR OFFICE, November 14, 1787.

"My last letter to you was dated on the 26th ultimo, and enclosed a duplicate of mine to you of the 16th; and also a copy of a resolve of Congress of the 13th of the same month, directing you to apprehend John Sullivan, styling himself late captain 4th regiment light dragoons, should he come within the federal territory.

"I also now enclose a copy of a letter said to be written by John Sullivan to Major William Brown, dated Charleston, 24th September, 1787. How far it may be practicable to execute the threats therein contained, respecting New Orleans, it is difficult, or rather impossible, to judge at this distance, and with the slender information I possess on the subject.

"It has been reported generally, that the inhabitants west of the Alleghany mountains have been highly irritated by the circulation of the idea that Congress were about to relinquish the navigation of the Mississippi for a number of years. Other reports also have been received, that the inhabitants of Cumberland have talked in a vague manner of the practicability of settling the Natchez and New Orleans, and some unauthorized publications have stated that there have been consultations on the subject by the inhabitants of Kentucky and Cumberland, during the summer past. But nothing has been received that had the appearance of reducing these indirect accounts to a probability, or of any system being formed to carry John Sullivan's letter into execution, until Major Sullivan's letter was received. Indeed, his letter can be regarded only as an indication of his disposition, and not as evidence of any fixed design on the subject. Such an enterprise would be in defiance of the laws of nations, disgraceful, and perhaps ruinous to the country by whose citizens it should be attempted.

"Although I cannot persuade myself that there can be any just foundation to apprehend that such a design is seriously entertained, excepting by an insignificant banditti, yet, circumstances as the reports are, it becomes necessary that such precautions be taken on the part of the United States, as the nature of the case may require, and their means admit."
"You will, therefore, on receiving this letter, endeavor to ascertain:
1. Whether there is any plan formed, or forming, of the nature mentioned in Mr. Sullivan's letter.
2. If so, the numbers of the party, and the names and characters of the most influential persons who are concerned in, orabet, the design.
3. When the design is intended to be executed, and by what mode or route, and what means they can obtain for the purpose.
4. How they are armed, accoutred, and supplied with ammunition, and whether they have cannon, and the necessary apparatus.

In case you should receive such information on the subject as to remove all doubt that the design to which Mr. Sullivan alludes is on the point of execution, you will form your post below the Tennessee, of such strength, as in your power, will be able by force to prevent the passage of the party down the Ohio.

Previously to exerting actual force, you will represent, on behalf of the United States, to the persons conducting the enterprise, the criminality of their conduct, and the obligations of the sovereign authority to prevent, at every hazard, such audacious proceedings. Should, however, persuasions or other mild methods be ineffectual, you will then have recourse to the means in your power to prevent their proceeding in the execution of their design.

I am well aware that I am placing you in a delicate predicament. But there are points of duty which must be accomplished without regarding the consequences. I conceive my duty, and my respect to the justice and dignity of the United States, oblige me to give you these orders, which will be your justification. I am persuaded you will conceive it to be your duty to execute them as far as may be practicable.

But should you find, by your inquiries, that the design is still in embryo, and that the period of its accomplishment is at a distance, you will transmit me a full account of every circumstance relative to the subject, in order to be submitted to Congress."

"War Office, December 19, 1787.

"Since writing you on the 14th ultimo, I have seen a person from Franklin, who assures me there is no such design entertained in that country, as is intimated in Mr. Sullivan's letter to Major Brown. Notwithstanding this information, I would wish that you relax nothing of the vigilance required in my letter to you on this subject. I would have you all eyes and all ears respecting the interest of the United States.

"The inhabitants of the Western waters may rest assured, that whatever local difficulties they may experience, they may depend on the protection and assistance of the Union, in all their legal pursuits. The interests are the same, and the men who endeavor to propagate a contrary sentiment, ought to be regarded as an enemy to his country."

"War Office, April 24, 1788.

"Your visit to Monsieur Cruzat, the Spanish commandant at St. Louis, was a judicious cultivation of the harmony which ought to prevail between the two nations. You will take every opportunity of convincing the Spanish officers, that it is the sincere desire of the Government of the United States to be on the most friendly footing with their nation, and to promote the most perfect harmony and good understanding. For this purpose, you will impress strongly on all your officers and parties, that on all occasions they must manifest the best dispositions to the Spanish officers and subjects.

"I am persuaded from the information derived from you and other sources, that the intelligence respecting the designs of Mr. Sullivan and his party on the Western waters, was highly blown, and could not have been seriously entertained by any but an insignificant number of desperate men.

"While you pursue every proper mode of obtaining information, respecting any designs which may interrupt the peace and welfare of the United States, you will be sure to conduct the inquiry with the utmost caution and prudence.

"Respecting John Sullivan, you will conduct yourself agreeably to the resolves of Congress relatively to him. I do not conceive that you would be justified in apprehending him without the territory of the United States. An attempt of that nature, would involve complaints to Congress and discussions of more trouble than the value of the object."

Extract from the Secretary of War's Instructions to Captain Henry Burbeck.

"War Office, April 8, 1790.

"Being in the vicinity of a Spanish garrison, you will embrace all opportunities of evincing the most cordial friendship to that nation. If accidental differences should arise between soldiers of your garrison and any of the Spanish soldiers or subjects, you will conduct yourself with perfect temper and politeness in the inquiry; if the offence or injury should have been committed by any of your garrison, you will inflict exemplary punishment; if by any Spanish soldiers or subjects, you will make a statement of the affair with great precision and coolness to the nearest Spanish officer."

Extract of a letter from the Secretary of War to James Seagrove, Esq. Agent of the United States to the Creek Nation of Indians.

"War Department, April 29, 1792.

"You are hereby instructed, on every occasion which shall occur, to evince the most cordial attention to the Spanish Government and interest on the Southern frontiers of the United States. In case you should know of any intentions of any desperado similar to Bowles, or any designs of the Indians, injurious to the interest or peace of the Spanish Government, you will communicate the same to the nearest Spanish officers, so that the evil apprehended may be avoided or repelled."

Extract from the Secretary of War's Instructions to Major Henry Goitl8er, of the Third Sub-legate of the United States.

"War Office, Aug. 11, 1792.

"You will, on all occasions, direct that the officers on the river St. Mary, and other places, conduct themselves towards the Spanish officers and government with the greatest politeness and respect. Any offence against this order, will be marked with the peculiar attention of the Government, and treated as the nature of the case may require."
**Extract from the Secretary of War's Instructions to Major General Arthur St. Clair.**

*WAR OFFICE, March 21, 1791.*

"This proclamation became necessary, as information had been received, that certain companies had purchased of the State of Georgia, the pre-emption of the almost entire lands of the said Indian nations, and that measures were taking in pursuance thereof, to effect settlements on the said lands, in direct violation of the said treaties and the peace of the United States.

"And information has lately been received, that a certain Doctor O'Fallon is levying troops in Kentucky, and issuing commissions in an illegal manner, for the purpose of making certain establishments upon the said lands.

"The conduct of the said Doctor O'Fallon is considered of such a nature, as that the attorney of the district of Kentucky has been directed to commence a prosecution against him according to law and the nature of his offence. And in order that all concerned under him should be warned of their situation, the President of the United States has issued another proclamation, which is hereunto annexed.

"It is presumed, the arrest of Doctor O'Fallon, and the issuing the proclamation, will operate to prevent the execution thereof; but should they not, and the party proceed in the execution of their plan, it becomes an important consideration, whether the military shall interpose to prevent them. This point is now under consideration of the legal department, and you shall be informed of the result."

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**Extract of a letter from the Turkey to Governor Blount.**

*Turkey's Town, September 2, 1792.*

"Your good talk I have received, and am glad to find that you are pleased with the conduct of Mr. Thompson and the rest of my people that was in company with him. It was my earnest request to them to do the best for your people in the boats, which I am glad to hear they did. Now my good friend and brother, you wrote me to tell you what I thought and knew of the people that lives on the Big River. Now, I will let you know and tell you the truth, which I am sorry and ashamed for to tell you of their proceedings and bad conduct. You may be assured it is not lies. I now tell you, as you wrote me never to write or send you word about any thing but the truth. The eighth day of this month, they are determined to go off to war—all the five lower towns on the Big River. They have and will make war by yourselves, you may be assured, and believe me, it is not the consent of the whole nation, nor no part of it, only them five towns. They agreed amongst themselves. Now you may know where the bad people lives; both you and your people may know now where the good and bad lives. Now I desire you and all your people, not to come to war against no other towns, but them five towns on the Big River that has made war against you. The Spaniards has give them ammunition and guns, hatchets, knives, &c., and told them it was not to go to war, but to keep it a reserve by them. You may blame nobody for all this, only the Spaniards."

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**Extract of a letter from John Thompson to Governor Blount.**

*Turkey's Town, September 2, 1792.*

"I am sorry to acquaint your Excellency of the bad conduct of the Indians on the Big River, or you may call them the lower towns. On the 8th day of this month, they intend to start out for war. But what part on the settlements they will fall of it, I can't tell. The first day of this month, I got to the Turkey's town; and there the news was, that the Indians was making readiness for war. I made all haste I could, back, to send you this news. You told me to tell you nothing but what was the truth, and you may believe this to be the truth. I hope you will do the same by me as agreed. These Indians will kill people everywhere where to bring on the Whites on them, that is, for peace. They have said it, that they intend to do so. But when mischief is done, you will know where they came from, and you may depend the Creeks will do their part. Your Excellency has got to blame the Spaniards for all this; they have give the ammunition, guns, hatchets, and knives, but not to make war with, but to keep it as a reserve."

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**Extract of a letter from Leonard D. Shaw, Agent of the United States to the Cherokee Nation, to Governor Blount.**—August 29, 1792.

"In my last letter, I informed you of the frequent incursions of the Creeks, and the reason I had to apprehend some daring attempts from them. Since that time, they have killed Mr. Ramsay, and a person who had lately arrived from Charleston. This happened the 24th instant. They were very nigh killing Moses Rice the preceding day, notwithstanding he was of speaking to the King Fisher, and his wife and they had formerly been intimate with him. Mr. Ramsay was not above thirty yards from his own house, when he was killed and scalped on the spot. The other person reached the house, but instantly expired. The open and avowed intention of the Creeks, is to kill every white man they meet; and they declare that such is their orders. The great quantity of ammunition given to the Indians by the Spaniards, persuades me that we are indebted to the latter for these visitations."

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**Extract of information from Red Bird, a Cherokee, enclosed in a letter from Governor Blount, dated Sept. 15, 1792.**

"That John Watts had been at Pensacola: that he brought home with him seven horse loads of ammunition, and as many accoutrements as were sufficient to equip two hundred horsemen, to wit, swords, &c. and that Watts was appointed to command the Creeks and the Cherokees, who should be called into the field, and be for war; and that the Creek nation had met in council, and agreed to the appointment."

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**Extract of a letter from Ben James to Governor Blount.**

*Choctaw Nation, June 30, 1792.*

"I take the liberty to inform you, that I had the opportunity of seeing your letter to this nation, and I think that you must be sensible that every white man in this nation must be dependent to Spanish Government. If you are not sensible of it, you must have heard that the Spaniards are a jealous people, and I have always been pointed out as an American. But I have always been true to that power that protected me; but the whole is, I am protected at my own expense. My reason was speaking to the King Fisher, it is, that I have received several insults from the Creeks, and am obliged to put up with it. For what reason? Because I am not able to help myself."
Extract of information from the Hanging Maw, enclosed in a letter from Governor Blount, dated October 7, 1792.

"The amount of the information given by John Boggs, was, that, from the 13th to the 17th instant, (September) the party, consisting of nine Creeks, under the command of Mr. Nickajack, and at a place called the Creek crossing place, about thirty miles below Nickajack, on their way to invade the district of Mcro, Cumberland settlement and that they were joined by from one hundred to two hundred Cherokees, among whom was John Watts; and that the Creeks had with them a great quantity of powder and lead, which they had received from the Spaniards that the whole were to rendezvous at the place where the different paths came together on their way towards Nashville and concert their measures of attack upon the Cumberland settlements. That while he was at the Look-out mountain, he was informed that Richard Findleton and a Frenchman had passed on from the Pensacola to Cumberland, to obtain ammunition, and we a letter from them in ten nights, and report such as they could collect. That he found it generally understood in the lower towns, that the Spaniards had sent their men to the nation through which he passed, that such of the inhabitants of the five lower towns as did not want war, had best leave them; and that such of the other towns as did want war, had best move to them; and that some of both parties were moving as to take the situation on which best suited their wishes and disposition for war among the Creeks. Boggs is a half breed, well known to many white people, and by all parties viewed as a man of veracity."
he himself, and the *Turkey,* and some other of the chiefs, would come down with Mr. McDonald some time hence to visit him. The *Bddy* Fellow then accompanied Watts to the crossing of the Coosy river, encamped with him all night, and returned; and Watts and his companions proceeded for Pensacola, with ten pack horses.

"At this time (about the last of June) the national council were about to sit at Estnauila, by appointment made at the conference at the Coyatee, at the request of the *Bddy* Fellow, to receive his report touching the lawness he had been on to Philadelphia, and to hear the big book read which he had brought from the war office. The council waited his coming three days, before business was entered upon. At length he sent an apology that one of his relations was unwell, and he could not come. He did not appear at the council, and his absence can be attributed only to the letters he received from Panton: for, at Coyatee, he was the warmest man for the United States, as was his friend Watts.

The demand of the Little Turkey, contained in his speech in council of the—day of June, that the ridge between the *Saturia* and *Green* Creeks, and the line through the towns of *St. Domingo* and *New Orleans,* be owned for the use of the Little Turkey by Panton. At the time the Turkey was delivering this part of his speech, the Jobber's son, sitting at a distance, observed to them, in a low accent, that it was now too late to talk of that line, for they had established a different one at the treaty of Holston to which the *Young* Frog replied, "that is nothing; then we had nobody to talk to. You can get nothing by it." meaning Watts.

"Immediately after the return of John Watts and his uncle from Pensacola to Williams, in the latter part of August, the brother of the late Draggan Canoe, the same that the council at Estnauila declared should succeed to his brother's estates was taken by the Governor, and was left at the house of the Old Prince, while the Old Prince was at Philadelphia, which pipe the Old Prince and the King Fisher, on their return from Philadelphia, destroyed; and being informed of the fate of his war pipe, declared, if the King Fisher was present, he would destroy the medal that had been given him at Philadelphia; that in future, his talks should be considered as a little boy's, and not as the talks of a man and a warrior. He then requested the Warrior's son, the Standing Turkey, and the Half Breed, to go to a pipe maker who lived about twenty miles from Estnauila, and have a pipe made as near like that which was destroyed as possible, that he might have it to show them afterwards, whom he daily expected at the lower towns. About an hour after this talk, Watts and his uncle had taken the three before mentioned Indians and the Big Fellow out from the company, and delivered them a talk from that: they must visit at Williams in eight nights; to pay no more attention to the talks of the old chiefs; that they were not to assist the old chiefs in the restitution of horses or any other property taken from the United States; that the day was just at hand, when the blow was to be struck; that Watts had been to Pensacola, seen Governor O'Niel, and all things were to his wishes; that the thing would be fully explained to their satisfaction on their arrival at Williams; and delivered them a string of black beads of four strands. This they agreed to, and made Carey acquainted with what had been said to them.

Watts commenced his report by stating which Governor O'Niel had written by him, to the chiefs, to be publicly read.

The contents were, that his master, the King of Spain, had sent to his care, at Pensacola, arms, and ammunition in abundance, for the use of the four Southern nations, which he had divided into four separate warehouses. That Watts had been an eye witness of the quantity he had of powder, and lead, and arms; that he had sent some of Watts by some for the Cherokees; that the King of Spain had made a greater man of McGillivray than Congress did; that it was his business to deliver out these articles; that he would be at Pensacola by the middle of October, when, if the whole of the towns would come down, they should be supplied, each town, from 400 to 500 lbs. powder, and more, if necessary, and lead accordingly, and with arms; and that he would have plenty of provisions provided for them. He then recommended Mr. McDonald and Alexander Campbell, their old friends, to give particular notice and protection. The letter being read, Watts then informed which Governor O'Niel had said to him. The Governor, he said, received him with open arms; asked him if he had seen any Spanish settlers before he arrived at Pensacola; assured him that the Spaniards never wanted a back country; wherever they landed, they sat down. Even such a sand bank as this is sufficient for them. They are not like the Americans; first take your lands, then treat with you, and give you little or nothing for it. This is the way they have always served you, and, from time to time, killed some of your people. In the late war between Great Britain and the United States, the Spaniards assisted them and lent them money, and they owe the Spaniards a great deal, and, instead of paying them what they owe, they take our lands as well as yours. That they had sent arms, for the whole four Southern Nations, in plenty, and that then was the time for them to join quickly in war against the United States, while they were engaged in a war with the Northern tribes. If they did not, that, as soon as the winter came, they would conquer the tribes in the South; and they would have enough to do in their talks which that part of the nation, who had been to visit the President, had received, was not from the heart, but only from the teeth. That, besides guns and ammunition, they should be furnished with swords, caps, pistols, bridles, and saddles, for horsemen. That the King of Spain had ordered a fort to be built at the Alabama fork, within a mile of the United States line; which was a spot, where the Spanish stood, and a great store of ammunition for both Creeks and Cherokees; and that a magazine should be erected for the Cherokees at Williams.

"Watts, having thus recapitulated the talks he received from Governor O'Neal, proceeded to address his audience, and made a doubt whether the war now on was against the Americans, or Spain; the Spaniards, he thought, was the same person that I have mentioned in my former letters as a Spanish resident or agent who had arrived from New Orleans, and lives in a house of Gen. McGillivray's, at Little Talassas.

It remains no doubt but a doubt, whether this paper, or the war, is to be considered in the same line with others, and his business in the Creek nation. His name is Oliver, a Frenchman born, a captain in the Spanish army, wears the uniform of the regiment of Louisse; and sent by the immediate orders of Baron du Condulette, Governor of New Orleans, as an agent, or perhaps something more, to conduct affairs in the Creek nation.

"*JAMES CAREY.*

WM. BLOUNT.

"*Knoxville, November 3, 1792.*"

To the information contained in this narrative, I pay full faith and credit.

Extract of a letter from James Seagrope, Esq. Agent of the United States to the Creek nation, to the President of the United States.

"*RocKLANDING, Oconee River, July 5, 1792.*"

"The information which I am about to give, appearing to me of importance to the United States, I hope will plead my excuse for thus intruding upon your moments of retirement. In my despatch of the 14th ultimo, to the Secretary of War, I promised to procure what information I could, respecting a Spanish officer, which Gen. McGillivray's letters is in reference to me of the 18th of May, a copy of which you have herewith.

"I find, on inquiry that the Indian object of that part is that same person that I have mentioned in my former letters as a Spanish resident or agent who had arrived from New Orleans, and lives in a house of Gen. McGillivray's, at Little Talassas."

Extract of a letter from James Seagrope, Esq. Agent of the United States to the Creek nation, to the President of the United States.
"It would appear by the style of Gen. McGillivray's letter to me, that this Spanish agent had just arrived, and that he was a stranger to him and his business. This was not the case: for it is well known, and even uncontroverted, that the Governor had been detailing the number of chief men of that nation, and had then been several months at Mr. McGillivray's own house at Little Tallassee. The general took much pains in sending for a number of the chieftains, and introduced this Spanish agent to them as their great friend, who was come to live among them, and to do great things for them. It can also be made to appear that the general was riding along the country with this Spaniard, at the time when, by his engagements, he ought to have been with me.

"I have not a doubt but that the arrival of this Spanish agent was in consequence of a preconcerted — between McGillivray and the Spaniards, on his visit last winter to their possessions, and that Captain Olivar is to be his successor in the Creek land: for, you must know, the general is again gone with nearly the whole of his property into New Orleans, and I doubt whether he returns. Certain it is, that he hath engaged to attend the Spanish treaty with the Indians at Pensacola in September next.

"As soon as Gen. McGillivray quitted the nation, Capt. Olivar threw off all mask, by calling meetings in the towns, and directing what the Indians should and should not do. He, in the most public and positive manner, forbids them parting with a foot of land to the United States, and also forbids their running the boundary line between their settlements; these petty ideas probably tell the Indians not to have anything to do with the Americans. It is said by several persons (but I cannot vouch for the truth of it) that he has gone so far in the upper towns to keep the Indians turning out against our people on the western waters. I think this is most improbable: for, about ten days past, he had the impudence to come into the lower towns, and give out public talks, advising the Indians not to come near me, and that the Spaniard must run the treaty with us. I have been present, and he had some hope of success.

"I am happy in being able to inform you that he met a very cool reception in the lower towns. The Indians who had been with me had returned home, and influenced the people so much in our favor that he found it convenient to make a speedy retreat to Little Tallassee.

"A brother-in-law of Gen. McGillivray's, a white man, who lives at Tallassee, of the name of Weatherford, is now here, who confirms what I have related of this Spanish agent; and further says, that he hath at Gen. McGillivray's house a quantity of goods, which he distributes among the Indians; that he draws orders on Government in favor of all Indians going to Orleans, who receive good for ammunition, which they bring up in trade, and that they have a constant intercourse in this way; that he is engaged in securing the chiefs to attend the treaty at Pensacola.

"It was much talked of in the nation that one object of the Spanish treaty would be to obtain leave to erect forts and establish garrisons on the Creek lands.

"Those matters seem of so much moment, come so direct, and I believe unquestionably true, that I have lost no time in giving you notice thereof.

"I cannot account for this interference of the Spaniards, and sometimes think that Capt. Olivar cannot be supported by the French, and that he is exceeding himself in doing as much as he is capable.

"I find that the Spanish agent is on very friendly terms with Bowles' successor in the nation, a man of the name of Willbanks.

"I cannot help expressing my fears to you that the Spaniards are playing a double game with us on the score of Bowles. My reason is, that they will make him useful to their views. Their very kind treatment of him since he has been among them cannot fail to create suspicion in the breast of any one as well acquainted as I am with Spanish want of lenity to actual prisoners, especially such as have offended against their Government. Bowles hath not been confined by them, and it is a doubt with me but what appeared a capture of him to us, was, in fact, a concerted plan with him. He is sent to Spain, but not in confinement. Why send him there? Sure the Governor of New Orleans, or the Captain General at the Havana, are possessed with powers equal to punishing or acquitting a man of Bowles' character. I fear there is some dark and dangerous business in contemplation among those people. I fear the object is to make the Americans, taking the Indians by surprise, and making them believe that the English are brewing, is he deeply engaged in it. I never expect he will come forward as an active character in the field. He has a false spirit, and this is the reason of his placing Olivar in his stead, and of his withdrawing to the Spaniards as an asylum. Olivar is represented to me as a man of good address, who speaks the French, Spanish, and English languages equally well.

"I fear the reason of Mr. McGillivray's not meeting me, and his not forwarding the business of the treaty made at New York, as well as his evasive conduct to all the pressing arguments made use of by him to the Secretary of War and myself, arose from preconcerted plans with his Spanish and English friends, and not from any real opposition the Indians made thereto."

Letter from General Alexander McGillivray to James Seagrove, Esq. enclosed in the foregoing.

UPPER CREEKS, LITTLE TALLASSEE, May 18, 1792.

DEAR SIR:—I received your letter of 1st inst. You have no doubt been expecting me some time. I had been waiting this month to have got our lower gentry in, which are among national matters, and to recover from the confusion they had been thrown in by the talks of the lying captain. After he was secured by the Spanish from their hope of some of their preventing him and his British fleets; when, to my surprise, some Indians from Orleans have given and spread reports that he has made matters worse than ever; and a Spanish officer has actually arrived and tells the Indians that he has orders to prevent them from running the line, or doing any other business with the Americans, and invites to a meeting in September next at Pensacola. This last stroke is too much. The Indians, at least a good many, are as mad as ever and Bowles' partisans again getting about giving away land. 'Tis no wonder that the Indians are distracted, when they are tampered with on every side, and am myself in the situation of a keeper of Bedlam, and nearly fit for an inhabitant.

Finding that the Choctaw chiefs are still at home, Randall carries a talk, desiring them, in most pressing language, to come down and have to do with us. But since Bowles had given hope of British aid, a majority of the towns would agree to cede no more than the eastern of Ocmulgee; and now they are told to give none at all; and I wish that more may not be insisted upon at present, to avoid disputes and its horrid consequences, a diabolical war, in which they will be supported, and in which I will not have any hand.

I am willing to get the true information from the persons, and the reasons for their interference. As yet I cannot guess at their motives. You are no stranger to their dispositions.

The Indians will report these Spanish talks of themselves.

Extract of a letter from James Seagrove, Esq. to the President of the United States.

"Rocklanding, July 27, 1792.

"Since my last to you, which was pretty full on the subject of Spanish and Indian matters, I have received many pieces of information, all tending to confirm me in the opinion that the Spaniards are making the most of the injury of the United States, as they possibly can; and that Gen. McGillivray hath verified my predictions of it. Such information which I can collect from white people and Indians, there does not remain a doubt with me but that the Spaniards will, if possible, they can, involve the United States in a war with the four Southern nations of Indians. Every exertion is making by the Spaniards, and undue measures taking with the savages, to stir them up against us.
To the Chiefs and Warriors of the Chickasaw Nation of Indians.

BROTHERS: Your father, General Washington, the President of the United States, has understood, through Governor Blount, that you are greatly in want of arms, and ammunition, and corn; and therefore has taken the earliest opportunity of proving to you his friendship, and the desire of being serviceable to you. It is his earnest desire to be at peace with all the Indian tribes, and he recommends the same measure to you. Nothing but the most dreadful necessity will justify a state of war. Such necessity, however, sometimes exists; but peace is always to be sought for with the greatest eagerness upon the first opportunity.

The United States has endeavored to persuade the hostile Indians to a peace, from motives of kindness to them, and not from any apprehensions as to the final issue of the war. On these grounds a treaty with the Indians north of the Ohio is to be held at Sandusky in a short time. If they listen to the dictates of justice and moderation, they will make peace if not, they will be made to repent their persisting in hostilities. Although the United States are slow to anger, yet, when once roused, their wrath will be destructive to their enemies.

Your father, General Washington, will continue to love and cherish you; and if requisite, he will supply you further with articles necessary to your situation; and for which you will apply to the General commanding the army at Fort Washington.

Given at the War Office of the United States, in the city of Philadelphia, this 27th day of April, 1793.

H. KNOX, Secretary of War.

3d Congress.] No. 66. [1st Session.

MOROCCO AND ALGIERS.

Message from the President of the United States, communicating a Report from the Secretary of State, in relation to Morocco and Algiers.

Gentlemen of the Senate and of the House of Representatives

I lay before you a report of the Secretary of State on the measures which have been taken on behalf of the United States, for the purpose of obtaining a recognition of our treaty with Morocco, and for the ransom of our citizens, and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings, have drawn the attention of their Legislature and Executive, it would still be improper to publish the particulars of this communication should be made known. The confidential conversation stated in one of the last letters sent herewith is one of these. Both justice and policy require that the source of that information should remain secret. So a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

GEO. Washington.

The Secretary of State, having duly examined into the papers and documents of his office relative to the negotiations proposed to be undertaken with the Governments of Morocco and Algiers, makes thereupon, to the President of the United States, the following report:

The reports which he made on the 38th of December, 1790, on the trade of the United States in the Mediterranean, to the House of Representatives, and on the situation of their citizens in captivity at Algiers, to the President, having detailed the transactions of the United States with the Governments of Morocco and Algiers, from the close of the late war to that date, he begins to refer to them for the state of things existing at that time.

On the 3d of March, 1791, the Legislature passed an act appropriating the sum of 29,000 dollars to the purpose of effecting a recognition of the treaty of the United States with the new Emperor of Morocco; in consequence whereof Thomas Barclay, formerly consul general for the United States in France, was appointed to proceed to Morocco, in the character of consul for the United States, to obtain a recognition of the treaty; and on the 15th of May, in the same year, the following letter was written to him:

Philadelphia, May 13, 1791.

SIR: You are appointed by the President of the United States, to go to the court of Morocco, for the purpose of obtaining from the new Emperor a recognition of our treaty with his father. As it is thought best that you should go in some definite character, that of consul has been adopted; and you consequently receive a commission as consul for the United States in the dominions of the Emperor of Morocco, which, having been issued during the recess of the Senate, will of course expire at the end of their next session. It has been thought best, however, not to insert this limitation in the commission, as being unnecessary, and it might perhaps embarrass. Before the end of the next session of the Senate, it is expected the objects of your mission will be accomplished.

Lisbon being the most convenient port of correspondence between us and Morocco, sufficient authority will be given to Colonel Humphreys, resident for the United States at that place, over funds in Amsterdam, for the objects of your mission. On him, therefore, you will draw for the sums herein allowed, or such parts of them as shall be necessary. To that port, too, you had better proceed in the first vessel which shall be going there, as it is expected you will get a ready passage from thence to Morocco.
On your arrival in Morocco, sound your ground, and know how things stand at present. Your former voyage there having put you in possession of the characters through whom this may be done, who may best be used for approaching the Emperor and effecting your purpose, you are left to use your own discretion to the best advantage.

The object being merely to obtain an acknowledgment of the treaty, we rely that you will be able to do this, giving very moderate presents. As the amount of these will be drawn into precedent on future similar repetitions of them, it becomes important. Our distance, our seclusion from the ancient world, its politics and usages, our agricultural occupations and habits, our poverty, and lastly our determination to prefer war, in all cases, to tribute under any form, and to any people whatever, will furnish you with topicks for opposing and refusing high or dishonoring pretentions to which may be added the advantages their people will derive from our commerce, and their sovereign from the duties laid on whatever we extract from that country.

Keep us regularly informed of your proceedings and progress, by writing by every possible occasion, detailing to us particularly your conferences, either private or public, and the persons with whom they are held.

We think that Francisco Chiappe has merited well of the United States by his care of their peace and interests.

Humphreys.

He has sent an account of diversbursements for us, amounting to $244 dollars. Do not recognise the account, because we are unwilling, by closing that, to give him a color for presenting larger ones hereafter, for expenses which it is impossible for us to scrutinize or control. Let him understand that our laws oppose the application of public money so informally; but in your presents, treat him handsomely, so as not only to cover this demand, but go beyond it with a liberality which may fix him deeply in our interests. The place he holds near the Emperor renders his friendship peculiarly important. Let us have nothing further to do with his brothers, or any other person. The money which would make one good friend, divided among several, will produce no attachment.

To your commission, you will receive a letter to the Emperor of Morocco, a cipher, and a letter to Colonel Humphreys.

I have the honor to be, with great esteem, &c.

TH. JEFFERSON.

To Thomas Barclay, Esq.

A private instruction, which Mr. Barclay is to carry in his memory, and not on paper, lest it should come into improper hands.

We rely that you will obtain the friendship of the new Emperor, and his assurances that the treaty shall be faithfully observed, with as little expense as possible. But the sum of ten thousand dollars is fixed as the limit which all your donations together are not to exceed.

TH. JEFFERSON.

May 13, 1791.

A letter was, at the same time, written to Francisco Chiappe, a person employed confidentially near the Emperor, who had been a minister consular there for the United States by Mr. Barclay, on his former mission, and appeared to have acted with zeal for our interest. It was in these words:

PHILADELPHIA, May 13, 1791.

Sir:

Since my entrance into the office of Secretary of State, I have been honored with several of your letters, and should sooner have acknowledged the receipt of them, but that I have, from time to time, expected the present occasion would occur sooner than it has done.

I am authorized to express to you the satisfaction of the President at the zeal and attention you have shown to our interests; and am happy to communicate a circumstance of them.

Mr. Barclay is sent in the character of Consul of the United States, to present our respects to his Imperial Majesty, for whom he has a letter from the President. We have no doubt he will receive your aid, as usual, to impress the mind of the Emperor with a sense of our high respect and friendship for his person and character, and to dispose him to a cordial continuance of that good understanding so happily established with his father.

Our manner of thinking on all these subjects is so perfectly known to Mr. Barclay, that nothing better can be done than to refer you to him for information on every subject which you might wish to inquire into.

I am, with great esteem, &c.

TH. JEFFERSON.

To Francisco Chiappe.

To this was added a letter to Colonel Humphreys, our resident at Lisbon, through whom it was thought proper to require that the draughts of money should pass. It was in the following words:

PHILADELPHIA, May 13, 1791.

Dear Sir:

Mr. Thomas Barclay is appointed by the President of the United States to go to Morocco, in the character of Consul, for the purpose of obtaining from the new Emperor a recognition of our treaty with his father.

Ten thousand dollars are appropriated for these purposes, in such form and to such persons as Mr. Barclay, in his discretion, shall think best; and he is to receive for himself at the rate of two thousand dollars a year, and his expenses.

It is thought best that the money for these purposes should be placed under your control, and that Mr. Barclay should draw on you for it. Thirty-two thousand one hundred and seventy-five guilders current are accordingly lodged in the hands of our bankers in Amsterdam, and they are instructed to answer your draughts to that amount; notify them that they are to be paid out on and by order of Mr. Barclay, that this account may be kept clear of all others. You will arrange with Mr. Barclay the manner of making his draughts, so as to give yourself time for raising the money by the sale of your bills.

A confidence in your discretion has induced me to avail the public of that, in the transaction of this business, and to recommend Mr. Barclay to your counsel and assistance through the whole of it. I enclose you one set of the bills for thirteen thousand dollars before mentioned, and a copy of my letter to the bankers. Duplicates will be sent to them directly.

I have the honor to be, &c.

TH. JEFFERSON.

To Colonel David Humphreys.

On Mr. Barclay's arrival in Europe, he learned that the dominions of Morocco were involved in a general civil war, the subject of which was the succession to the throne, then in dispute between several of the sons of the late Emperor; nor had any of them such a preponderance as to ground a presumption that a recognition of the treaty...
by him would be effectual. Mr. Barclay, therefore, took measures for obtaining constant intelligence from that country, and in the mean time remained at Lisbon, Cadiz, or Gibraltar, that he might be in readiness to take advantage of the first moments of the undisputed establishment of any one of the brothers on the throne, to effect the object of his mission.

Though not enabled at that time to proceed to the redemption of our captive citizens at Algiers, yet we endeavored to alleviate their distresses by confiding to Colonel Humphreys the care of furnishing them a comfortable sustenance, as was done in the following letter to him:

**PHILADELPHIA, July 13, 1791.**

**Dear Sir:**

Mr. Barclay having been detained longer than was expected, you will receive this, as well as my letter of May 13, from him. Since the date of that, I have received your No. 15, March 31, No. 16, April 8, No. 17, April 30, No. 18, May 3, and No. 20, May 21.

You are not unacquainted with the situation of our captives at Algiers. Measures were taken, and were long depending, for their redemption; during the time of their dependence we thought it would forward our success to take notice of the captives. They were maintained by the Spanish consul, from whom applications for reimbursement, therefore, have been made; and every care was taken to prevent any loss, and to have our measures for their redemption not will succeed, renders it unnecessary for us to be so reserved on the subject, and to continue the appearance of neglecting them. Though the Government might have agreed to ransom at the lowest price admitted with any nation (as for instance, that of the French order of Mercy) they will not give any thing like the price which has been lately declared to be the lowest by the captors. It remains then for us to see what other means are practicable for their recovery. In the mean time it is our desire, that the disbursements hitherto made for their subsistence by the Spanish consul, or others, be paid off, and that their future comfortable subsistence be provided for. As to past disbursements, I must beg the favor of you to write to Mr. Carmichael, that you are authorized to pay them off, and pray him to let you know their amount, and to whom payments are due. With respect to future provision for the captives, I must put it into your hands. The impossibility of getting letters to or from Mr. Carmichael renders it improper for us to use that channel. As to the footing on which they are to be subsisted, the ration and clothing of a soldier would have been a good measure, were it possible to apply it to articles of food and clothing, so extremely different as those used at Algiers. The allowance hereafter made by the Spanish consul might perhaps furnish a better rule, as we have it from themselves that they were then comfortably subsisted. Should you be led to correspond with them at all, it had better be with Captain O'Brien, who is a sensible man, and whose conduct since he has been here, has been particularly meritorious. It will be better for you to avoid saying any thing which may either increase or lessen their hopes of ransom. I write to our bankers to answer your draughts for these purposes; and enclose you a duplicate, to be forwarded with your first draught. The prisoners are fourteen in number, with the names and qualities as follows: Richard O'Brien and Isaac Stephens, captains, the commission of Henry and Alexander Forsyth, mates; Jacob Tessanier, a French passenger; William Paterson, Philip Sloan, Peleg Lorin, John Robertson, James Hall, James Cathcart, George Smith, John Gregory, James Herum, seamen. They have been twenty-one or twenty-two.

I have the honor to be, &c.

**TH. JEFFERSON.**

**To Colonel David Humphreys.**

On the 8th of May, 1792, the President proposed to the Senate the following questions:

If the President of the United States should conclude a convention or treaty with the Government of Algiers for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, will the Senate approve the same? Or, is there any, and what, greater or lesser sum, which they would fix on as the limit beyond which they would approve the ransom? If the President of the United States should conclude a treaty with the Government of Algiers for the establishment of peace with them, at an expense not exceeding twenty-five thousand dollars, paid at the signature, and a like sum to be paid annually afterwards during the continuance of the treaty, would the Senate approve the same? Or, are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

**GEO. WASHINGTON.**

These questions were answered by the following resolution of the Senate, of May 6th, 1792.

**IN SENATE, May 6, 1792.**

Resolved, That if the President of the United States shall conclude a treaty with the Government of Algiers, for the establishment of a peace with them, at an expense not exceeding forty thousand dollars, paid at the signature, and a sum not exceeding twenty-five thousand dollars, to be paid annually afterwards, during the continuance of the treaty, the Senate will approve the same. And in case such treaty be concluded, and the President of the United States shall also conclude a convention, or treaty, with the Government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, the Senate will also approve such convention or treaty.

Attest,  
**SAM. A. OTIS, Secretary.**

In order to enable the President to effect the objects of this resolution, the Legislature, by their act of May 8, 1792, c. 41, § 3, appropriated a sum of fifty thousand dollars to defray any expense which might be incurred in relation to the intercourse between the United States and foreign nations.

Commissioners were hereupon made out to Admiral Paul Jones for the objects of peace and ransom, and a third to consuls for the United States at Algiers. And his instructions were conveyed in the following letter:

**To Admiral John Paul Jones:**

**PHILADELPHIA, June 1, 1792.**

**Sir:**

The President of the United States having thought proper to appoint you commissioner for treating with the Dey and Government of Algiers on the subjects of peace and ransom of our captives, I have the honor to enclose you the commissions, of which Mr. Thomas Pinckney, now on his way to London, as our minister plenipotentiary there, will be the bearer. Supposing that there exists a disposition to thwart our negotiations with the Algerines, and that this would be very proper, I have thought it advisable that the knowledge of this appointment should rest with the President, Mr. Pinckney, and myself; for which reason you will perceive that the commissions are all in my own hand writing; for the same reason, entire secrecy is recommended to you; and that you so cover from the public your care and destination, as that they may not be conjectured or noticed; and at the same time that you do not cut off all inquiry or your affairs will possibly get lost.

In order to enable you to enter on this business with full information, it will be necessary to give you a history of what has passed.

On the 25th July, 1785, the schooner Maria, captain Stevens, belonging to a Mr. Foster, of Boston, was taken, off cape St. Vincent, by an Algerine cruiser; and five days afterwards, the ship Dauphin, captain O'Brien, belonging to Messrs. Irvine, of Philadelphia, was taken by another, about fifty leagues westward of Lisbon. These vessels,
withe their cargoes and crews, twenty-one persons in number, were carried into Algiers. Mr. John Lamb, appointed agent for treating of peace between the United States and the Government of Algiers, was ready to set out from France on that business, when Mr. Adams and myself heard of these two captures. The ransom of prisoners being a case not existing when our powers were prepared, we made no provision for it. We thought, however, we ought, by all means, to have the subject of ransom in our view, and standing in view of the present authority, we should keep within the lowest price which had been given by any other nation. We, therefore, gave a supplemental instruction to Mr. Lamb to ransom our captives, if it could be done for 200 dollars a man, as we knew we could ransom them without raising the ransonee to amounts equal to that sum, and we certainly thought this sum. He proceeded to Algiers; but his mission proved fruitless. He wrote us word from thence, that the Dey asked 59,496 dollars for the twenty-one captives, and that it was not probable he would abate much from that price but he never intimated an idea of agreeing to give it. As he had settled and prepared accounts of his mission, no money was sent him, on the supposition that he had entered into a positive engagement to pay for the persons the price above mentioned, or something near it; and that he came away with an assurance to return with the money. We cannot believe the fact; and if we did, we disavowed it totally, as far as beyond his powers. We have now disavowed it formally, because it never has come to our knowledge with any degree of certainty.

In February, 1797, I wrote to Congress to ask leave to employ the Mathurins of France in ransoming our captives, and on the 19th of September, I received their orders to do so, and to call for the money from our bankers at Amsterdam, that as soon as the subscription should be raised, they might be the business put into play. They inferred that they could, the business was put into play by the general of the Mathurins, not with the appearance of acting for the United States, or with their knowledge, but merely on the usual ground of charity. This expedient was not likely to be attended with the desired success, the reputation of church property, before any proposition perhaps had been made in form by the Mathurins to the Dey of Algiers.

I have some reason to believe that Mr. Enustace, while in Spain, endeavored to engage the Spaniards to employ their agents in the business to the exclusion of any other, and that this was the reason why the Mathurins were not notified of our desires, and that they thought it, the business was put into play by the general of the Mathurins, not with the appearance of acting for the United States, or with their knowledge, but merely on the usual ground of charity. This expedient was not likely to be attended with the desired success, the reputation of church property, before any proposition perhaps had been made in form by the Mathurins to the Dey of Algiers.

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It has been a fixed principle with Congress to establish the rate of ransom of American captives with the Barbary States, at as low a point as possible, that it may not be the interest of those States to go in quest of our citizens in preference to those of other countries. Had it not been for the danger it would have brought on the residue of our citizens, the excitement of these rovers against them, our citizens now in Algiers would have been long ago

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MOROCCO AND ALGIRIANS.
redeemed, without regard to price. The mere money for this particular redemption, neither has been, nor is, an object with any body here. It is from the same regard to the safety of our seamen at large, that they have now restrained us from any ransom, and therefore, with pleasure and consisitly to terms of ransom, our Government would never have consented; that is to say, to the terms stated by Captain O'Brien, in the following passage of the same letter: "by giving the Minister of the Marine (the present Dey's favorite) the sum of one thousand sequins, I would stake my life that we would be ransomed for thirteen thousand sequins, and all expenses, inclusive of that extravagant as this sum will be, under the security of peace in future, go so far: not doubting, at the same time, that you will obtain it as much lower as possible, and not, indeed, without a hope that a lower ransom will be practicable, from the assurances given us in other letters from Captain O'Brien, that prices are likely to be abated by the present Dey, and particularly with us, towards whom he has been represented as well disposed. You will consider this demand, therefore, say 27,000 dollars, as your ultimate limit, including ransom, duties, and gratifications of every kind.

As soon as the ransom is completed, you will be pleased to have the captives well clothed, and sent home at the expense of the United States, to such a sum as will consist with their reasonable comfort.

It is thought best that Mr. Pinckney, our minister at London, should be the confidential channel of communication between us. He is enabled to answer your drafts for money within the limits before expressed; and as this will be by redrawing on Amsterdam, you must settle with him the number of days after sight, at which your bills shall be payable in London, so as to give him time, in the mean while, to draw the necessary drafts in Amsterdam.

We shall be anxious to know, as soon, and as often as possible, your prospects in these negotiations. You will receive herewith a cipher, which will enable you to make them with safety. London and Lisbon (where Colonel Humphreys will forward my letters) will be the safest and best ports of communication. I also enclose two separate commissions for the objects of peace and ransom. To these is added a commission to you as consul for the United States at Algiers, on the possibility that it might be useful for you to remain there till the ratification of the treaties shall be returned from hence: though you are not to delay, till their return, the sending the captives home, nor the necessary payments of money within the limits before prescribed. Should you be willing to remain there, even after the completion of the business, as consul for the United States, you will be free to do so: giving me notice, that no other nomination may be made. These commissions being issued during the recess of the Senate, are in force, by the constitutional provision, to the next session; but you will be able to ushershell them to the next mission, by the present; but you will be able to ushershell them to the next mission, by the present, to which you have been appointed, and which will be a matter of course and of necessity, that you may consider that as certain, and proceed without interruption. I have not mentioned this in the commissions, because it is, in all cases, surplusage, and because it might be difficult of explanation to those to whom you are addressed.

The allowance for all your expenses and time (exclusive of the ransom, price of peace, duties, presents, maintenance and transportation of the captives) is at the rate 2,000 dollars a year, to commence from the day on which you shall set out for Algiers, from whatever place you may take your departure. The particular objects of peace and ransom once out of the way, the 2,000 dollars, annually, are to go in satisfaction of time, services, and expenses of every kind, and you shall act as consul or commissioner for the United States in the manner.

As the duration of this peace cannot be counted on with certainty, and we look forward to the necessity of coercion, by cruises on their coast, to be kept up during the whole of their cruising season, you will be pleased to inform yourself, by this time, whether it is practicable, of every circumstance which may influence or guide us in undertaking and conducting such an operation, making your communications by safe opportunities.

I must recommend to your particular notice Captain O'Brien, one of the captives, from whom we have received a great deal of useful information. The zeal which he has displayed, under the trying circumstances of his present situation, has been very distinguishing. You will find him intimate acquainted with the manner in which, and characters with whom, business is to be done there; and perhaps he may be an useful instrument to you, especially in the outset of your undertaking, which will require the utmost caution, and the best information. He will be able to give you the characters of the European consuls there, though you will probably not think it prudent to repose confidence in any of them.

Should you be able successfully to accomplish the objects of your mission in time to convey notice of it to us as early as possible during the next session of Congress, which meets in the beginning of November, and rises the 4th of March, it would have a very pleasing effect.

I am, with great esteem, &c.

TH. JEFFERSON.

Dear Sir:

The letter I have addressed to Admiral Jones, of which you have had the perusal, has informed us the mission with which the President has thought proper to charge him at Algiers, and how far your agency is desired for the immediate settlement of the papers, for procuring the safe and proper delivery of your noble captives, by redrawing, yourself, on our bankers in Amsterdam, who are instructed to honor your bills, and by acting as a channel of correspondence between us. It is some time, however, since we have heard of Admiral Jones. Should any accident have happened to his life, or should you be unable to learn where he is; or should distance, refusal to act, or any other circumstance, deprive us of his services on this occasion, or be likely to produce too great a delay, of which you are to be the judge, you will then be pleased to send all the papers confided to you for him, to Mr. Thomas Barclay, our consul at Morocco, with the letter addressed to him, which is delivered to you open, and by which you will understand that he is instructed, to every intent and purpose, to take the place of Admiral Jones. You will be pleased not to pass any of the papers confided to you, on this business, through any post office. I have the honor to be, &c.

TH. JEFFERSON.

To Thomas Pinckney.

The letter mentioned as addressed to Mr. Barclay, was in these words:

From the President of the United States, to Thomas Barclay, Esq.

PHILADELPHIA, June 11, 1792.

Sir: Congress having furnished me with means for procuring peace and ransoming our captive citizens from the government of Algiers, I have thought it best, while you are engaged in Morocco, to appoint Admiral Jones to
proceed to Algiers, and therefore have sent him a commission for establishing peace, another for the ransom of our captives, and a third to act there as consul for the United States; and full instructions are given, in a letter from the Secretary of State to him, of all which papers, Mr. Pinckney, now proceeding to London as our minister plenipotentiary, is, I presume, in possession of. It is some time, however, since we have heard of Admiral Jones and in the event of any accident to him, it might occasion an injurious delay, were the business left to new commissions from hence; I have thought it best, in such an event, that Mr. Pinckney should forward to you all the papers addressed to Admiral Jones, with this letter, signed by myself, giving you authority, on receipt of those papers, to send the same to Mr. John Paul Jones, whose residence has been under your care for several weeks; you are requested to consider your name in each of them in the place of that of John Paul Jones. You will, of course, finish the business of your mission to Morocco, with all the dispatch practicable, and then proceed to Algiers on that hereby confided to you, where this letter, with the commissions addressed to Admiral Jones, and an explanation of circumstances without a doubt procure you credit, as an agent in the name and on the behalf of the United States, and more especially, when you shall successively prove your authority, by the fact of making, on the spot, the payments you shall stipulate. With full confidence in the prudence and integrity with which you will fulfill the objects of the present mission, I give you this letter the bearer of commissions to such powers, by hereto subscribing my name, this eleventh day of June, one thousand seven hundred and ninety-two.

GEO. WASHINGTON.

By a letter of July 3d, the following arrangement for the payment of the moneys was communicated to Mr. Pinckney, to wit:

Philadelphia, July 3, 1792.

Dear Sir:

Enclosed is a letter to our bankers in Amsterdam, covering a bill of exchange drawn on them by the treasurer for one hundred and twenty-three thousand seven hundred and fifty current guilders, which I have endorsed thus: "Philadelphia, July 3, 1792. Enter this to the credit of the Secretary of State for the United States of America. Thomas Jefferson." To prevent the danger of interception, my letter to them makes the whole subject to your order.

I have the honor, &c.

TH: JEFFERSON.

On Mr. Pinckney’s arrival in England, he learned the death of Admiral J. P. Jones. The delays which were incurred in conveying the papers to Mr. Barclay on this event will be best explained in Mr. Pinckney’s own words, extracted from his letter of December 13, 1792, to the Secretary of State. They are as follows:

"As soon after my arrival here as the death of Admiral J. P. Jones was ascertained, I endeavored to obtain information whether Mr. Barclay was still at Gibraltar, or had returned to Morocco; but not knowing his correspondent here, and Mr. Johnson, our consul, not being able to clear up the uncertainty, it was some time before I learnt that he was still at Gibraltar. The particular injunctions of caution in the conveyance which I received with Mr. Barclay’s despatches, and the secrecy which I knew to be so essential to the success of his operations, determined me to entrust them to none but a confidential person. I accordingly endeavored to find some one of our countrymen (who are frequently here without much business) who might be induced to undertake the conveyance; but though, in addition to my own inquiries, I requested our consul and several American gentlemen to undertake a confidential person to undertake a journey for me, without naming the direction, it was a considerable time before I met with success. The rage for quitting the city, which emptied all the western parts of this town during the summer season, seemed to have swept away all our unemployed countrymen, and the failure of Mr. Short’s despatches, for which I could not account, the miscarriage of some of my private letters, added to the extraordinary jealousy and watchfulness of correspondences here, made me unwilling to employ any but an American in this business. At length, however, I prevailed on a Mr. Lennel Cravath, a native and citizen of Massachusetts, to undertake the delivery of the despatches in Mr. Barclay’s hand, whether at Gibraltar or Morocco, and to remain a few weeks with Mr. Barclay, if he should require it, to re-convey his answer; for which service I agreed to pay him one hundred guineas, besides defraying his expenses. No vessel for Gibraltar or any neighboring port offered immediately; but Mr. Cravath availed himself of the first which occurred, and embarked about a month ago in an English vessel bound to Cadiz, from whence he is to be enabled to get to Gibraltar; so that if the wind has proved favorably, Mr. Barclay may by this time have set out on his mission. I fear the terms of Mr. Cravath’s journey will be considered as expensive; but when I reflected on the importance of the object, and the delay which had already occurred, and was about to refuse the offer, I would undoubtedly have given much more had he insisted on it. I trust, however, that Mr. Barclay could not have arrived at a better time at his place of destination, to avoid interruptions in his negotiations from the European Powers, as their attention is now wholly engrossed by the more interesting theatre of politics in Europe."

In the meantime, Mr. Barclay had been urged to use expedition, by the following letter from hence:

Philadelphia, November 14, 1792.

Sir: Your letters to the 10th of September are received. Before this reaches you, some papers will have been sent to you, which, on the supposition that you were engaged in your original mission, were directed to Admiral J. P. Jones, but in the event of his death were to be delivered to you. That event happened. The papers will have so fully possessed you of every thing relating to the subject, that I have nothing more to add, but the most pressing instances to lose no time in effecting the object. In the mean while, the scene of your original mission will perhaps be cleared, so that you may then return and accomplish that.

I am, &c.

TH: JEFFERSON.

To Thomas Pinckney, Esq.

Mr. Barclay had received the papers, had made preparations for his departure for Algiers, but was taken ill on the 15th, and died on the 19th of January, 1793, at Lisbon. This unfortunate event was known here on the 18th of March, and on the 20th and 21st, the following letters were written to Mr. Pinckney and Colonel Humphreys.

Philadelphia, March 20, 1793.

Dear Sir: The death of Mr. Barclay having rendered it necessary to appoint some other person to proceed to Algiers on the business of peace and ransom, the President has thought proper to appoint Colonel Humphreys, and to send on you a copy of the letter of secret instructions, and the papers to him. I am to ask the favor of you to communicate to Colonel Humphreys whatever information you may be able to give him in this business, in consequence of the agency you have had in it. I have given him authority to draw in his own name on the bankers in Amsterdam for the money deposited in their hands for this purpose, according to the letter I had the honor of writing to you July 30, 1793. I have now that of assuring you of the sincere sentiments of esteem and respect with which I am, &c.

To Thomas Pinckney, Esq.

TH: JEFFERSON.
FOREIGN RELATIONS.

PHILADELPHIA, March 21, 1793.

Sir:—The deaths of Admiral Paul Jones, first, and afterwards of Mr. Barclay, to whom the mission to Algiers, explained in the enclosed papers, was successively confided, have led the President to desire you to undertake the execution of it in person. These papers being copies of what had been delivered to them, will serve as your guide. But, Mr. Barclay having also been charged with a mission to Morocco, it will be necessary to give you some trouble with respect to that also.

Mr. Nathaniel Cutting, the bearer hereof, is despatched specially, first to receive from Mr. Pinckney, in London, any papers or information which his agency in the Algerine business may have enabled him to communicate to you. He will then proceed to deliver the whole to you, and accompany and aid you in the character of secretary.

It is thought necessary that you should, in the first instance, settle Mr. Barclay’s accounts respecting the Morocco mission, which will probably render it necessary that you should go to Gibraltar. The communications you have had with Mr. Barclay in this mission, will assist you in your endeavors at a settlement. You know the sum received by Mr. Barclay on that account; and we wish as exact a statement as can be made of the manner in which it has been laid out, and what part of its proceeds have been pleased on by this. Notice of these proceeds now existing. If they, or any part of them, can be used for the Algerine mission, we would have you by all means apply them to that use, debiting the Algerine fund, and crediting that of Morocco with the amount of such application. If they cannot be so used, then dispose of the perishable part to the best advantage; and if you can sell those not perishable for what they cost, do so; and what you cannot so sell, deposit in any safe place under your own power.

In this last stage of the business return us an exact account, first, of the specific articles remaining on hand for that mission, and their value; second, of its cash on hand; third, of any money which may be due to, or from, Mr. Barclay, or any other person on account of this mission; and take measures for replacing the clear balance of cash in the hands of Messrs. W. and T. Willinks and Nichols, and Jacob Van Staphorst and Hubbard.

This matter being settled, you will be pleased to proceed on the mission to Algiers. This you will do by the way of Madrid, if you think any information you can get from Mr. Carmichael, or any other, may be an equivalent for the trouble, expense, and delay, of the journey. If not, proceed in whatever way you may choose to go.

Proper powers and credentials for you, addressed to that Government, are herewith enclosed. The instructions first given to Admiral Paul Jones are so full, that no others need be added, except a qualification in one single article, to wit: Should that Government finally reject peace on the terms in money, to which you are authorized to go, you may or may not make the first payments for peace, and that for ransom, in naval stores, reserving the right to make the subsequent annual payments in money.

You are to be allowed your travelling expenses, your salary as minister resident in Portugal going up; and those expenses must be debited to the Algerine mission, and not carried into your ordinary account of resident. Mr. Cutting is allowed one hundred dollars a month, and his expenses, which, as soon as he joins you, will of course be consolidated with yours. We have made choice of him as particularly qualified to aid, under your direction, in the matters of account, with which he is well acquainted. He receives here advance of one thousand dollars, by draft on our bankers in Holland, in whose hands the fund is deposited. This and all other sums furnished him, to be debited to the Algerine fund. I enclose you a letter to our bankers, giving you complete authority over these funds, which you had better send with your first draft, though I send a copy of it from hence by another opportunity.

This business being done, you will be pleased to return to Lisbon, and to keep yourself and us thereafter well informed of the transactions in Morocco; and as soon as you shall find that the succession to that Government is settled and stable, so that we may know to whom a commissioner may be addressed, be so good as to give us the information, that we may take measures in consequence.

I am, &c.

TH: JEFFERSON.

To Col. David Humphreys.

Captain Nathaniel Cutting was appointed to be the bearer of these letters, and to accompany and assist Colonel Humphreys, as Secretary, in this mission. It was therefore delivered to him, and his own instructions were given in the following letter:

PHILADELPHIA, March 31, 1793.

Sir:—The Department of State, with the approbation of the President of the United States, having confidential communications for Mr. Pinckney, our Minister Plenipotentiary at London, and Col. Humphreys, our minister resident in that city, it is of the greatest importance that you are cleared to take charge of those communications, to proceed with them in the first American vessel bound to London, and from thence, without delay, to Lisbon, in such way as you shall find best. After your arrival there, you are appointed to assist Colonel Humphreys in the character of secretary, in the business now specially confided to him, and will be accountable, by retum directly to the United States, or receive your discharge from Col. Humphreys, at your own option.

You are to receive, in consideration of these services, one hundred dollars a month, besides the reasonable expenses of travelling by land and sea (apparel not included) of yourself and a servant; of which expenses you are to render an account and receive payment from Colonel Humphreys, if you take your discharge from him, or otherwise from the Secretary of State, if you return to this place; and in either case, Colonel Humphreys is authorized to furnish you moneys on account, within the limits of your allowances; which allowances are understood to have begun on the 20th day of the present month, when you were engaged on this service, and to continue until your discharge or return. You receive here one thousand dollars on account, to enable you to proceed.

TH: JEFFERSON, Secretary of State.

To Captain Nathaniel Cutting.

But, by a vessel which sailed on the day before, from this port to Lisbon directly, and whose departure was not known till an hour before, the following letter was hastily written and sent:

PHILADELPHIA, March 30, 1793.

Dear Sir:—Having very short notice of a vessel just sailing from this port for Lisbon, direct, I think it proper to inform you summarily, that powers are made out for you to proceed. Captain Cutting, who is to assist you in this special business as Secretary, leaves this place three days hence, and will proceed in the British packet by way of London, and thence to Lisbon, where he will deliver you the papers. The instructions to you are in general to settle Mr. B’s Morocco account, and take care of the effects provided for that business, applying such of them as are proper to the Algerine mission; and as to the residue, converting the perishable part of it into cash, and having the other part safely kept. You will be pleased to be preparing and doing in this, what can be done before the arrival of Mr. Cutting, that there may be as little delay as possible.

I am, &c.

TH: JEFFERSON.

To Colonel David Humphreys.
Captain Cutting took his passage in a vessel bound for London, which sailed about the 15th or 14th of April; but he did not leave England till the 5th of September; and on the 17th of that month, Colonel Humphreys embarked from Lisbon for Gibraltar, from whence he wrote the letter herewith communicated, of October the 8th last, informing us of the truce of a year, concluded between Algiers and Portugal, and from whence he was to proceed to Algiers.

These are the circumstances which have taken place since the date of the former reports of December 28th, 1793. And on consideration of them, it cannot but be obvious, that whatever expectations might have been formed of the negotiations between Algiers and Gibraltar, at its first projection, or the subsequent renewals to which unfortunate events gave occasion, they must now be greatly diminished, if not entirely abandoned. While the truce with two such commercial nations as Portugal and Holland has so much lessened the number of vessels exposed to the capture of the Barbary corsairs, it has speeded the door which lets them out upon our commerce, and ours alone; as, with the other nations navigating the Atlantic, they are at peace. Their first successes will probably give them high expectations of future advantage, and leave them little disposed to relinquish them on any terms.

A circumstance to be mentioned here, is, that our resident and consul at Lisbon have thought instantaneous warning to our commerce, to be of such weight, of sufficient importance to justify the hiring a Swedish vessel to come here express with the intelligence; and there is no fund out of which that hire can be paid.

To these details relative to Algiers, it is to be added, as to Morocco, that their internal war continues; that the succession is not likely soon to be settled; and that, in the mean time, their vessels have gone into such a state of decay, as to leave our commerce in no present danger for want of the recognition of our treaty; but that still it will be important in to readiness to obtain it, the first moment that any person shall be so established in that Government, as to give a hope that his recognition will be valid.

December 14, 1793.

Mr. Humphreys to the Secretary of State.

GIBRALTAR, September 26th, 1793.

Sir:

After a very favorable passage, we landed at this garrison on Sunday last, and the next day proceeded with all the despatch and diligence in our power, to unpick the different articles of public property left here by the late Mr. Thomas Barclay, and to select such as might be proper for the object you propose. We have not as yet made sufficient progress as to enable us to give you the full particulars.

I have seen Mr. Maitre, the British consul for Morocco, who informs me there is very little change in the state of affairs since last winter. The harvest was good. The exportation of wheat has been allowed; but is prohibited on the remonstrance of the people, who have been so much distressed by scarcity, as to dread the consequences of farther extraction.

Mr. Mave, the new British consul for Algiers, is still here. All the intelligence I can gain from that place, is contained in a letter of an old date from Mr. Logie to him. At the time when that letter was written, the plague still continued to rage, and ten of the Dutch captives had died of it. The plague has absolutely cut off all intercourse, so that nothing has been heard from the Americans in captivity there, since I was here last winter.

The frigate which escorted Mr. Lucas to Tripoli, returned here yesterday. Mr. Tully, the former consul, who came in it, I understand reports rebellion and confusion to exist in a dreadful degree in that country.

The wind came round yesterday to the eastward, so as to enable the convoy frigates Léghorn to sail from this port for England. This is a rich fleet, and the first convoy from the Mediterranean since the war.

I have concluded to go to Alicante, and hope (for many reasons) to be able to sail in company with the Portuguese fleet, mentioned in my late letters, and which may be expected whenever the wind becomes fair.

It is confidently asserted that the project for the surrender of Marseilles has miscarried, and that the republicans have made an amazing slaughter of the royalists.

Had not the cession of Toulon taken place on the very day it did, it would almost certainly have been prevented the next day by the arrival of troops in the town. Lord Hood's conduct appears to be considered here as almost rash, though successful, and the issue somewhat dubious, though in some way or another it must be important.

The commanding officers of the combined forces at Toulon have sent to all quarters for succors. The Spanish, English, and Royalist forces in that town, amount to nearly 10,000. The former an indifferent corps. The second weak in number, (2,000) both sailing ships in the outer town, the combined troops have had the worst of it. A valuable English officer (belonging to this garrison) of my acquaintance, was killed in one of them. Yesterday three ships of war arrived here from Toulon, to solicit and transport a reinforcement from this garrison. The Governor has already named officers of engineers and artillery for that service; and I think he will send some troops without waiting for orders from his court.

General O'Hara, with whom I dined yesterday, informed me an intelligent correspondent wrote him from Toulon "there is no news from Paris, except that of the death of the Queen." This, however, coming through no other channel, seems doubtful.

Admiral Gell and other officers of high rank write pressingly for all manner of cates and drinkables. If we had but the free navigation of the Mediterranean, what an extensive market would be open for our produce!

With sentiments of perfect respect and esteem,

I have the honor to be. &c.

D. HUMPHREYS.

The Secretary of State.

Mr. Humphreys to the Secretary of State.

GIBRALTAR, October 8, 1793.

Sir:

I have already forwarded for you five copies of despatches, to inform you that a truce for twelve months was concluded between Portugal and Algiers, and that a fleet of Algerine cruisers had gone through the straits into the Atlantic, on Saturday night last. They were reported to me by an officer of a Portuguese frigate, who spoke with them, to consist of eight sail; I believe, however, there were but three frigates, two yachts, and a brig. This morning another Algerine frigate was in this harbor, and has gone through the straits to the westward.

To multiply the chances of getting early information to you, I am sending off to order neutral vessels to be chartered at Cadiz and Lisbon to carry my despatches to you, if they cannot otherwise be transmitted by the most expedients and certain conveyances, and these vessels are ordered to put into the first port in the United States they can reach.

With sentiments of great esteem, &c.

D. HUMPHREYS.
SIR:—Yesterday, the 11th, I received the following note from Colonel Humphreys, our minister resident at this court, but now at Gibraltar:

"DEAR SIR: We have advice of a truce between the Portuguese and Algiers, and that an Algerine fleet has gone into the Atlantic. Pray forward the enclosed with the intelligence, and believe me yours,

D. HUMPHREYS."

Immediately on the receipt of this very alarming news, I called together all the American captains now in this port, and communicated the intelligence to them, after having first written a letter on the very same subject, which I have now so often obtained from a friendly and always well informed Portuguese gentleman, which was, that on the 5th instant an Algerine fleet, consisting of eighteen ships, had been seen by a Portuguese frigate (just arrived) sailing out of the Mediterranean, consisting of two brigs, carrying 44, 36, 30, and 28 guns; three yachts, 24, 26, and 30 guns; and one brigantine of 22 guns. Their course was to the southward, and at the same time they were made up with the foresail, gallant mast head, and a flag with blue and white, or blue and yellow stripes, at the main-top-gallant-mast head. Early this morning I waited on his Excellency Luis Pinto de Louza, minister and secretary of state for foreign affairs, on the subject of this unexpected event, and the unfortunate situation in which it had placed not only the American captains now here, but our nation at large, whose injury seems to have been particularly meditated in this negotiation. Mr. Louza received me with great politeness, and anticipating the cause of my visit, informed me that he was at the moment of my arrival occupied in writing to me on the subject, but was better pleased to see me, as he could more fully and particularly explain the nature of this business to me in a voice than by letter, and assured me that he would candidly communicate to me how far the court of Portugal were concerned, or chargeable for the mischances resulting from this truce, to all those Powers not at peace with Algiers. He declared that it was as unexpected to the court of Portugal, as it could be to us; and if it was not quite so unwelcome, yet it was by no means agreeable to their court, who never intended to conclude either a peace or truce with the Dey, without giving timely notice to their ministers. It might avoid the dangers to which it might otherwise be unavailing exposed by trust- ing to the protection of the Portuguese ships of war stationed in the Mediterranean. He acknowledged that the court of Portugal had about six months past expressed to the courts of England and Spain, a desire of their friendly commerce, in the administration of the business of trade towards those parts, as the Algerine controversy was not conducted with that Free and Frankness which Portugal would have had a right to expect from the Ministers of the two greatest, and most Faithful Majesty; but having appointed no person directly or indirectly to negotiate in behalf of her Majesty, they considered the business as only in embryo. But the British court, zealous over much for the happiness of the two nations, Portugal and Algiers, in order to precipitate this important business, very efficiously authorized Charles Lord Towns, our present minister at Lisbon, and Charles Martin, the British consul at Algiers, not only to treat, but to conclude, for and in behalf of the court, not only without authority, but without even consulting it. A truce was accordingly concluded between the Dey and the British agent (for twelve months) in behalf of her Most Faithful Majesty; for the performance of which, on the part of her Majesty, the British court is guarantied. The condition is, that this court shall pay to the Dey one thousand and as much as he receives annually from the court of Algiers. When this court received information of the proposed condition from Mr. Walpole, the British envoy to this court, they informed him, that, however desirable they might be of a peace with Algiers, they were so far from being disposed to submit to such a condition, that it was the determination of this court, as far as they could, to the contrary of the terms proposed by that gentleman. It was signed by the self constituted agent, Mr. Logie. The minister, Mr. Pinto, farther informed me, that this court had ordered an augmentation of the number of armed ships on the Mediterranean station, so little was there a expectation of a peace or truce with Algiers; and intimated that the Algerines would probably ere long be at liberty to cruise than at present, and mentioned less than a month. But though I have great confidence in his sincerity, and in the good wishes and disposition towards us of many of the Portuguese nobility, and of their sincere hatred of the English, yet the prince is young, weak, and obstinate; and can, and probably will, determine, as his own caprice, or Martin de Mello, may direct. The conduct of the British in this business leaves no room to doubt or mistake their object, which was evidently aimed at us, and proves that their envy, jealousy, and hatred, will never be appeased, and that they will leave nothing unattainted to effect our ruin. As a farther confirmation, it is worthy of remark, that the same British agent obtained a truce at the same time between the States of Holland and the Dey, for six months, whereby we and the Huns Tows are now left the only prey to those barbarous and blood thirsty people. The political cost the English very dear, as the Algerines had profited much by captures from the Dutch since the commencement of the late hostilities between the two nations. This will, I fear, give a fatal stroke to the advantages which we have derived from our neutrality.

Monday, 14th. I have just received a letter from Gibraltar, of the 8th, with orders to charter a vessel to carry the intelligence to you, copy of which letter I send herewith. At this moment a Swedish vessel arrives. On the 9th, in lat. 38, 13, she was boarded by an Algerine frigate. At a small distance she saw another, which had just captured a brigantine. Two brigs, one ship, and one schooner had one of our ships. The British arm in the truce, and that it was for twelve months with both Holland and Portugal. I have forwarded letters by express, wherever I thought it necessary, to notify our citizens of their danger. We are betrayed, and many, many of our countrymen will fall into the cruel snare. I send you a list of those in this port. I have chartered a ship this moment, a £500 sterling, to carry my letter to Mr. Livingston, to whom I refer you for farther particulars, which, in my great hurry, I may omit. I have not slept since receipt of the news of the hellish plot—pardon me for such expressions. Another corsair is in the Atlantic. God save us.

I have chartered the vessel to go and return with a cargo of wheat or flour, to this port or Cadiz, for 800 sterling. Her freight back will go far to pay the expense of her hire.

If it should be thought that I have chartered the vessel at a high price, I wish the Government to be informed, that I have not entered into this contract with a idea of the advantage of this Algerine news; and I have been rather favored in the contract which I have made, and therefore hope no blame will fall on me, but that I shall be enabled by the Government to fulfil my engagement.

I have, on this occasion, written to you, the facts, which I received from undoubted authority, though contradicted by the minister Luis Pinto, and at present a great secret, that one of the present Portuguese ministers is in the execrable plot—a plot loudly and publicly execrated by this nation. I asked if it was Martinho de Mello? and was answered, that all his consequence, and his pecuniary resources, were derived from the Mediterranean fleet, or Algerine war, and of course, he had daily fallen under suspicion. It was a fact, the minister directly informed me, that one of the four ministers had been privy to the whole transaction, but could not fix its but could and would tell me very soon. At present he seemed disposed rather to suspect the first minister, the Marquis Pinta de Lopes, but this intelligence is not at present in use. The minister also intimated to me, that he was to be sent to an ambassador, on his taking leave of the court to go to Algiers to negotiate a peace. "Sir, the ships attend you; you will therefore proceed without delay on your embassy. But remember what I have said, and what I now repeat, on the greatest consequence, (meaning to himself) if you succeed in making a peace, it will be well, but if you should not, remember all the reasons which, had you been advised, your own safety, and your country's may enable you to form a more adequate idea of this court than I should be able to give you. It is with this view that I trouble you with them.

One of the frights now crawling under Algerine colors was a present from the King of Spain, but not very lately; and one is certainly a very late present from the British King.

The Hon. the Secretary of State.

I am, sir, &c.

EDWARD CHURCH.
Gibraltar, October 7, 1793.

D. Humphreys, Esq. to the Secretary of State.

Sir:—I wrote to you under yesterday's date, letters to be forwarded by four different conveyances, containing information that a truce for twelve months was concluded between Portugal and Algiers; and that a fleet of eight Algerine frigates had gone through the Straits into the Atlantic.

I observed in a postscript, that I should afterwards explain by whose instrumentality the truce was made. I have now to inform you, it was effected by Mr. Logie, consul of Great Britain, at Algiers; but I am very happy to add, there are strong circumstances to induce me to believe, it was without the authority, or even knowledge, of his own court, from which (I am most credibly assured) he has not received any direct official communications for fourteen months past. This was owing to his having been recalled, and a successor appointed for that residence. By what I have learned in a confidential manner, from good authority, Mr. Logie wishes to remain at Algiers until the final negotiation between that regency and Portugal be concluded.

The strong easterly wind, called the Levantar, has prevented the Portuguese convoy, mentioned in my last letters, from proceeding any distance up the Mediterranean. The same cause still delays the English ships with troops on board, in this harbor, though a second vessel has arrived with despatches from Lord Hood to accelerate their departure. In consequence of this last arrival, some more artillerists, with field artillery, have been detached from this garrison; and General O'Hara (the Lieutenant Governor) is going to take the chief command at Toulon.

By yesterday's mail we have nothing but an account of the Duke of York's repulse, with the loss of his cannon and baggage; and considerable advantage gained by the Spaniards over the French near Perpignan.

I have the honor to be, &c.,

D. HUMPHREYS.

P. S. I shall prosecute my former plan of proceeding to Alicant, the moment the wind will permit.

The Secretary of State.

Copy of Mr. Church's first letter to Messrs. Jacob Dohrman & Co.

Lisbon, October 15, 1793.

Sirs:—I am informed that you have an inclination to charter a Danish ship to send to America on speculation, but that the difference of about one hundred pounds sterling prevents the bargain being closed. I think it probable, that neutral ships of that description will readily obtain a high freight in any port of the United States. But, if a hundred pounds sterling will induce you to close the charter immediately, put the ship in immediate readiness, so as to sail in all this week, if possible, and will change her proposed destination, which I understand is to Baltimore, for New York or Philadelphia, in order that I may send duplicates of some despatches to our Government, I will engage to pay you, in behalf of the said Government, one hundred pounds sterling, on demand, in Lisbon, after advice of the seller of said despatches has been received by the hands of the Secretary of State for the United States of America; provided advice should not be received of the payment of said sum in America, by the return of your ship to Europe, which I shall recommend in a letter to the Secretary of State accompanying my despatches.

MESSRS. JACOB DOHRMAN & CO.

I am, sirs, yours,

EDWARD CHURCH.

Copy of Mr. Dohrman's answer to the above.

Lisbon, October 15, 1793.

Sirs:—I presume you are no stranger to my strong attachment to your Government, and that I am perfectly disposed to render every possible service to the United States of America; but the freight demanded for the Swede or Dane is so high, as may expose me to great loss, which I am sure you would not wish; but if you think you can venture to add another fifty pounds, I will take the risk for one hundred and fifty pounds sterling, and change her destination for New York, and will take charge of a messenger with your despatches, deliverable at that place.

Fifty pounds can be no object to the United States, but may be of consequence to an individual. If this proposal should be acceptable to you, I will close with one of the captains immediately.

For the payment, you will give me a bill for the above sum, to be paid to the order of my house, after delivery of the despatches in America, according to the then current exchange upon London.

I am, sir, &c.,

JACOB DOHRMAN.

Copy of Messrs. Church's letter to Messrs. Dohrman, in answer to the foregoing.

Lisbon, October 15, 1793, 9 o'clock, P. M.

Sirs:—Your favor, in answer to my proposals of this morning, is just received. The good character of the vessel, and a reliance on your exertions to put her to sea immediately, and that you will not detain her a moment for any freight more than is already absolutely engaged, induce me to comply with your demand of fifty pounds more than I proposed; and will accordingly give you a bill for one hundred and fifty pounds sterling, upon the conditions already stipulated.

At the same time I wish you to understand, that I am acting in this business without any special authority, and I consider myself warranted solely, by the importance and extreme urgency of the occasion; but should the Secretary of State be of a different opinion, and therefore think that he is not authorized to honor my bill, you will then be pleased to consider that it is an error in judgment on my part, and that neither the honor of the United States, or my credit, are, or ought to be, any way affected by this transaction, and you may rely on being fully indemnified by me on receipt of the protest.

I am, sirs, yours, &c.,

EDWARD CHURCH.

MESSRS. JACOB DOHRMAN & CO.

D. Browne to E. Church, Esq.

Oporto, October 15, 1793.

Sirs:—I received yesterday noon, by express, the honor of your very esteemed favor of the 11th instant, to desire me to inform the masters of the vessels from the United States of America, that may be here or in the neighboring ports, that, in consequence of a truce being concluded and signed between the United States and Algiers, a Frigate of that nation, consisting of four large frigates, two xebecs, and one brig, from 22 to 44 guns, and, accordingly, to desire them not to proceed to sea, till they hear from you again, as
several of these pirates are now hovering round your's and this coast. Immediately on the receipt of your letter, I sent for the masters of the only two American vessels that we have here remaining, viz: snow Phenix, Isaac Rea master, from Salem; ship Patty and Julia, Charles Dickinson, from New London. They both acknowledged their most grateful thanks for your care in writing them by express, that they might escape the danger that awaited them, and will not proceed till your further orders. Unfortunately, on the 11th instant, sailed from hence the schooner Fayette, captain Wyatt, and the brig Rosanna, captain Hooker Baxter, both bound to Boston. God grant to have preserved them from the sight of such an infamous and cruel enemy. I dont hear that there are any American vessels in the ports of Viamna, Caminha, or Averico, but I am going immediately to write to these several ports, to transmit them your instructions. I have to acquaint you, sir, that last week entered this port an English letter of marque, named the Oporto, captain Hamilton, from Lisbon, who captured on his passage here an American vessel named the Birmingham, William Foster, master, bound from Lisbon to London, on suspicion of his being destined to some port in France, her cargo consisting as per note enclosed, and by which you will please to observe, that the three black sailors therein mentioned, are free American born, and, notwithstanding, they are forced to remain on board against their will.

I have the honor, &c.

DOM'C BROWNE.

P. S. Contents of the cargo of the American vessel the Birmingham, Wm. Foster, master, taken on her passage from Baltimore to Amsterdam, by the English vessel the Oporto, Captain Hamilton, who sent her to Liverpool, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>250 blls. Tobacco</td>
<td>71 blls.</td>
</tr>
<tr>
<td>13 tierces</td>
<td>1792.</td>
</tr>
<tr>
<td>430 hogs</td>
<td>10 blls.</td>
</tr>
<tr>
<td>10 bags</td>
<td>28 hogs.</td>
</tr>
<tr>
<td>30 hogs.</td>
<td>35 blls.</td>
</tr>
<tr>
<td>49 bundles</td>
<td>3 cases</td>
</tr>
<tr>
<td>25 hogs.</td>
<td>7,000 Stares.</td>
</tr>
</tbody>
</table>

The captain and three men were conveyed to Liverpool. The mate, one sailor, and three negroes, brought to Oporto. The two former are already gone for America, and the negroes detained on board the Oporto.

Mr. Church to his Excellency Luis Pinto de Souza.

LIBRAN, October 21, 1793.

SIR: I waited on your Excellency the 19th inst. at Queluz, but was unfortunately deprived by your absence of the honor of an interview. I therefore take the liberty to address your Excellency by letter, and to solicit, in behalf of my fellow-citizens now in this port, protection and safe conduct out of the reach and danger of the Algerine corsairs now on this coast. My countrymen have been led, not less innocently than the citizens of the Hanseatic Towns, into their present embarrassment, by confiding the friendship, power, and protection of their most Faithful Majesty, who, having long kept a fleet stationed in the Mediterranean, for the purpose of confining those pirates within circumscribed limits, and to secure freedom of commerce to her friends and her own kingdom, had nourished that confidence, and of course bullied our citizens into a fatal security. This confidence, however, so far as respects the purity of her Majesty’s intentions, and the good faith of her ministers, appears still to be well founded; for this belief I have no less authority than your Excellency’s declaration to me, and it is upon this presumption that I take the liberty to request your Excellency’s mediation with her most Faithful Majesty, that she will be graciously pleased to grant the same relief and protection to the citizens and ships of the United States, as her Majesty has offered to those of the Hanseatic Towns, in consideration of their being in the same predicament, and from the same cause, and that we are a nation in no view less friendly, and in every view at least equally useful and important to this kingdom at present as all of your Majesty’s subjects. I have written her Majesty a full account of our future probable consequence to these nations, who shall favor us with their friendship. Permit me to hope, sir, that these considerations will have weight, and that the justice of our claim will supersede the necessity of an absolute existing treaty between this kingdom and the United States; and the more, as your Excellency will be pleased to recollect that endeavors have not been wanting on our part, long ere this, to have convinced our interests with this nation by the strongest ties, in which, though we doubtless had a view to our own advantage, yet I am persuaded it was our equal aim to have formed the treaty upon such a basis as would have proved reciprocally advantageous, without which we were well aware that it could not be durable. I would therefore hope, that her most Faithful Majesty will not deny us the favor we ask, because we are not so closely connected with your nation as we wish, and have endeavored to be. When I had the honor of an interview with your Excellency, on the 12th instant, on the subject of your truce with Algiers, it appeared to me, by an article in the said truce, that her Majesty was restricted from affording protection to any nation at war with Algiers; but, as this restriction has been dispensed with in favor of one nation, I would humbly hope and presume that the same power will be extended towards the citizens of the United States, who, I trust, have an equal claim to her Majesty’s favor and protection.

I have chartered a second neutral ship to carry the duplicates of my despatches to America, which will be ready to sail to-morrow; but, as your Excellency’s answer to this petition will be among the most important matters which I shall have to communicate, permit me to request that favor as soon as circumstances will permit.

I have the honor to be, &c. &c.

EDW'D CHURCH.

His Excellency Luis Pinto de Souza, Minister, &c.

Mr. Church to the Secretary of State.

LIBRAN, Tuesday, October 3, 1793.

SIR: On Saturday, the 19th instant, the vessels belonging to the Hanseatic Towns were ordered to be in readiness to sail the 29th, under convoy of two Portuguese frigates, ordered by her Majesty to convoy them to a certain latitude. One of the articles of the truce with Algiers, which was communicated to me on the 12th instant, by Luis Pinto, the minister for foreign affairs, expressly restricted the Portuguese from affording protection (without exception) to any one nation. Nevertheless, the consul and agent for the Hanseatic Towns petitioned for a convoy, and strongly urged a right, founded on a prior treaty, of a very ancient date, existing between the two nations. This was generally understood to be the principle upon which the convoy was granted; and was so publicly declared by the agent but on strong reasons to believe that this Government not being means pleased with the conditions of the truce, or the manner in which it had been negotiated, for, and not by this nation, and that, though they did not think proper formally to disavow and reject it, yet that they would not be displeased if a plausible pretence should offer to break it. I was also convinced that a great majority, if not the whole nation, were extremely offended.

Mr. Church to his Excellency Luis Pinto de Souza.
for various reasons; they conceived it intended not only to throw on them the odium of the manifest treachery in the business, but that it was also aimed at their navy, which was now an object of their particular attention, and which, for want of some employment, would again sink into neglect, which they suppose to have been one object of the English in so eagerly resorting to the hypothesis that such a measure is the better agreeable and opinion, and my knowledge that the Spanish ambassador, when on court at the 19th instant, had been treated rather more politely than all the nobility present, when he congratulated the prince on the happy event of the truce. I wrote a letter to the minister yesterday, of which I transmit you a copy per this opportunity; and, as I have been diligent in my inquiries prior to my writing, and am particularly favored and supplied with two very distinguished personnages here, who have honored me with some particular attentions, I am greatly flattered with hopes of success. If I find there is a prospect of a speedy and favorable answer, it is probable I may detain the vessel a day or two, in order to convey some intelligence, which will be so very important and acceptable to the United States.

I have taken the liberty to draw on you the 19th instant, for one hundred and fifty pounds sterling, in favor of Messrs. Jacob Dohrmann & Co. as a compensation for their chartering a ship, at a price which they had before refused, for altering her destination, agreeable to my request, and for suffering the vessel to go with only two-thirds the quantity of vessels which are usually sent, and the vessels of the said States shall enjoy, in their passage, the same protection which she has ordered to be extended to the vessels of the Hanseatic Towns, in the occupation of the ratification of the truce adjusted between her Most Faithful Majesty and the regency of Algiers. Provided, nevertheless, that the vessels of the United States which shall desire to shelter themselves under the protection of the said convoy, shall unite and assemble in sufficient numbers to merit to be convoyed; as this measure cannot be practised in favor of a few, for clear reasons, which manifest themselves.

I am, with the greatest esteem, sir, your servant,

LUIS PINTO DE SOUZA.

The Secretary of State for the United States of America.

In answer to the letter you addressed to me yesterday's date, on the protection and convoy which you solicited in favor of the vessels of the United States of America, which have to sail to their destinations, in danger from the cruisers of Algiers, I am ordered to inform you, that her Most Faithful Majesty, desirous of manifesting to the said States whatever may benefit their navigation or commerce as far as may be compatible with her own supreme justice, is very ready to give her royal orders that the vessels of the said States shall enjoy, in their passage, the same protection which she has ordered to be extended to the vessels of the Hanseatic Towns, in the conclusion of the ratification of the truce adjusted between her Most Faithful Majesty and the regency of Algiers. Provided, nevertheless, that the vessels of the United States which shall desire to shelter themselves under the protection of the said convoy, shall unite and assemble in sufficient numbers to merit to be convoyed; as this measure cannot be practised in favor of a few, for clear reasons, which manifest themselves.

I am, with the greatest esteem, sir, your servant,

EDWARD CHURCH.

Luis Pinto de Souza, Secretary of Foreign Affairs at Lisbon, to Edward Church, Counsel for the United States.

Palace of Queluz, October 23, 1793.

Sir: I wrote you this morning that I had written to his Excellency Luis Pinto, minister, &c. &c. I herewith send a copy of my letter, and at the same time, have the pleasure to enclose a most favorable, friendly, and pleasing answer from his Excellency, which I have this moment received, and which you will immediately see the necessity of sending to all their vessels, that our merchants may not be exposed to the heavy risk of a supposed desperate risk. I have also the pleasure to inform you, from good authority, through a secret but direct channel, that a remonstrance was yesterday presented to the Prince, by some of the highest and most influential of the nobility, wherein they state, that the late truce has greatly dishonored this nation; that, to ratify it, would be to render the disgrace indelible; or even to accede to a peace or truce on the terms once offered by this nation, which were to withdraw their ships from the Mediterranean, but to pay nothing. They say it is now beneath the dignity of the crown to accept the offers of peace from that nation (supposing a peace admissible with those pratical infidels) upon any other terms than a full indemnification for all losses in maintaining their naval preparations for about ten years in the Mediterranean, for the protection of their commerce against the hostilities of that nation, and declare that it would be far better and more honorable for the nation to maintain eternal war against them than to sign a peace which, in the present state of this English Portuguese truce, which, from present appearances, promises no duration. It is also reported, but not confirmed, that orders are gone to the Portuguese fleet in the straits, not to suffer any vessels captured by the Algerines to be carried into Algiers, if it should appear that they were bound to or from any port belonging to the dominions of Portu-

The Secretary of State for the United States of America.

Lisbon, October 23, 1793. P. M.

Sir: I wrote you this morning that I had written to his Excellency Luis Pinto, minister, &c. &c. I herewith send a copy of my letter, and at the same time, have the pleasure to enclose a most favorable, friendly, and pleasing answer from his Excellency, which I have this moment received, and which you will immediately see the necessity of sending to all their vessels, that our merchants may not be exposed to the heavy risk of a supposed desperate risk. I have also the pleasure to inform you, from good authority, through a secret but direct channel, that a remonstrance was yesterday presented to the Prince, by some of the highest and most influential of the nobility, wherein they state, that the late truce has greatly dishonored this nation; that, to ratify it, would be to render the disgrace indelible; or even to accede to a peace or truce on the terms once offered by this nation, which were to withdraw their ships from the Mediterranean, but to pay nothing. They say it is now beneath the dignity of the crown to accept the offers of peace from that nation (supposing a peace admissible with those pratical infidels) upon any other terms than a full indemnification for all losses in maintaining their naval preparations for about ten years in the Mediterranean, for the protection of their commerce against the hostilities of that nation, and declare that it would be far better and more honorable for the nation to maintain eternal war against them than to sign a peace which, in the present state of this English Portuguese truce, which, from present appearances, promises no duration. It is also reported, but not confirmed, that orders are gone to the Portuguese fleet in the straits, not to suffer any vessels captured by the Algerines to be carried into Algiers, if it should appear that they were bound to or from any port belonging to the dominions of Portu-

The Secretary of State for the United States of America.
List of American Vessels in the Port of Lisbon.

<table>
<thead>
<tr>
<th>Vessel</th>
<th>Master</th>
<th>Port</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brig Lively,</td>
<td>Elijah Mayhew</td>
<td>Newburyport</td>
</tr>
<tr>
<td>Ship Wilmington,</td>
<td>John McGee</td>
<td>Wilmington, D.</td>
</tr>
<tr>
<td>Brig Nancy,</td>
<td>Edwd. Goodrich</td>
<td>Newburyport</td>
</tr>
<tr>
<td>Brig Union,</td>
<td>John Keaquick</td>
<td>New York</td>
</tr>
<tr>
<td>Ship America,</td>
<td>George Bright</td>
<td>New York</td>
</tr>
<tr>
<td>Brig Nancy,</td>
<td>John Harris</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>Brig Leopard,</td>
<td>Rob. Goodbridge</td>
<td>Beverly</td>
</tr>
<tr>
<td>Ship Lark,</td>
<td>John Munro</td>
<td>Providence</td>
</tr>
<tr>
<td>Brig Recovery,</td>
<td>Charles Hazard</td>
<td>Rhode Island</td>
</tr>
<tr>
<td>Brig Brandywine Miller,</td>
<td>Daniel Man</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>Brig John,</td>
<td>John Barrett</td>
<td>Norfolk, Va.</td>
</tr>
<tr>
<td>Ship Sukey,</td>
<td>Christopher R. Perry</td>
<td>Providence</td>
</tr>
<tr>
<td>Ship Joseph,</td>
<td>Joseph M'Lehan</td>
<td>Portsmouth, N. H.</td>
</tr>
</tbody>
</table>

N. B. The schooner Violet, Captain Babson, sailed for Boston the 7th instant, and has probably escaped. The brig Betsey, Captain Joshua Atkins, sailed for Boston the 9th. The bark Henry, Captain Roberteau, from Newburyport, is arrived this morning from Virginia, but last from Falmouth. Saw nothing of the Alex. EDWD. CHURCH.

LISBON, October 15, 1793.

Arrived in this port, the schooner Alice, or Elsy, of Boston, but last from North Carolina. Same day, arrived, the brigantine Betsey, of Portsmouth, but last from Virginia, and reports that thirteen vessels were ready to sail about the same time, eleven for Cadiz, and two for Lisbon. These vessels had seven weeks passage.

3d Congress.] No. 68. 1st Session.

COMMERCIAL PRIVILEGES AND RESTRICTIONS.

Report of the Secretary of State on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries.

PHILADELPHIA, Dec. 16, 1793.

Sir: According to the pleasure of the House of Representatives, expressed in their resolution of February 23, 1791, I now lay before them a report on the privileges and restrictions on the commerce of the United States in foreign countries. In order to keep the subject within those bounds which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only, with which we carry on a commerce of some importance, and to those articles also of our produce, which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms, without detailing the exact duty levied on each article. To have gone fully into these minutiae, would have been to copy tariffs and books of rates of the different countries, and to have hidden, under a mass of detail, those general and important truths, the extraction of which, in a simple form, I conceived would best answer the inquiries of the House, by condensing material information within those limits of time and attention, which this portion of their duties may justly claim.

The plan, indeed, of minute details, would have been impracticable with some countries, for want of information. Since preparing this report, which was put into its present form in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place—some of them independent of the war, some arising out of it. France has proposed to enter into a new treaty of commerce with us, on liberal principles; and has, in the mean time, relaxed some of the restraints mentioned in the report. Spain has, by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine, into free ports, for the vessels of friendly nations having treaties of commerce with her, provided they touch for a permit at Corunbih, in Galicia, or at Alcante; and our rice is, by the same ordinance, excluded from that country. The circumstances of the war have necessarily given us freer access to the West Indian Islands, whilst they have also drawn on our navigation, vexations and depredations of the most serious nature.

To have endeavored to describe all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the summer of 1792. I have the honor to be, &c.

To the Speaker of the House of Representatives of the United States of America.

The Secretary of State, to whom was referred, by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with Foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following report:

The countries with which the United States have their chief commercial intercourse, are Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tobacco</td>
<td>$7,649,887</td>
</tr>
<tr>
<td>Rice</td>
<td>$1,753,796</td>
</tr>
<tr>
<td>Wood</td>
<td>$1,563,584</td>
</tr>
<tr>
<td>Salted Fish</td>
<td>$941,986</td>
</tr>
</tbody>
</table>

TH: JEFFERSON.
Pot and Pearl Ash, 839,093
Salted Meats, 599,130
Indigo, 557,379
Horses and Mules, 539,753
Whale Oil, 282,501
Flax Seed, 236,073
Tar, Pitch and Turpentine, 217,177
Live Provisions, 157,745
Ships, 43,580
Foreign Goods, 23,576
620,374

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows:

To Spain, and its dominions, $2,003,907
Portugal, and its dominions, 1,283,462
France, and its dominions, 4,606,735
Great Britain, and its dominions, 9,363,416
The United Netherlands, and their dominions, 1,963,880
Denmark, and its dominions, 224,415
Sweden, and its dominions, 47,240

Our imports from the same countries, are,
Spain, and its dominions, $355,110
Portugal, and its dominions, 395,766
France, and its dominions, 2,068,346
Great Britain, and its dominions, 15,382,438
United Netherlands, and their dominions, 1,172,692
Denmark, and its dominions, 321,364
Sweden, and its dominions, 14,925

These imports consist mostly of articles on which industry has been exhausted.

Our navigation, depending on the same commerce, will appear by the following statement of the tonnage of our own vessels, entering in our ports, from those several nations and their possessions, in one year; that is to say, from October, 1789, to September, 1790, inclusive, as follows:

Spain, 19,695
Portugal, 23,576
France, 116,410
Great Britain, 43,380
United Netherlands, 58,588
Denmark, 14,655
Sweden, 750

Of our commercial objects, Spain receives, favorably, our bread-stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oils; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands, under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain; foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch, and turpentine.

For flax seed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 30 per cent. on being sold to their subjects, and are then free bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties of from 30 to 38 per cent. and, consequently, our navigation is unsubordinated by them. Tobacco, rice, and meals, are prohibited.

Themselves, and their colonies, consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands; except that, in these, meals and rice are received freely.

France receives favorably our bread-stuff, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 43 cents, is paid on our tar, pitch, and turpentine. Our whale oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 24; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of 30 livres the quintal.

Our ships are free to carry thither all foreign goods, which may be carried in their own or any other vessels, except tobaccos, not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils and toboaccoes.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports, and converted into national bottoms. The first National Assembly took from our ships this privilege.

They emancipated tobacco from its monopoly, but, subjected it to duties of 15 sous, 15 sous, the quintal, carried in their own vessels, and twenty-five livres carried in ours; a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use.

Woods are free, from us, whilst they pay some small duty from other coun-
tries. Indigo and flax seed are free from all countries. Our tar and pitch pay eleven pence, stering, the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling and thre pence, stering, the pound, custom and excise, besides heavy expenses of carriage on both sides of the seas, in time of peace, sterling, the pound; seven shillings seven pence, stering, the hundred weight; which, rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties; as to internal consumption unless, in times of all and any of our own productions and manufactures. A subsequent act, indeed, has authorized their Executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given, from year to year, by proclamation, but subject every moment to be withdrawn on that single will, in which event, our vessels having anything on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion, * when an official notification, that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal conviction, that the words of the order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great, and the possibility of their renewal lay our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay, in their ports, one shilling and nine pence, stering, per ton, light and trinity dues, more than is paid by British ships, except in the little trinity commonwealth, where the weight and value of what they receive from us, is re-exported to other countries, under the useless charges of an intermediate deposite, and double voyage. From tables published in England, and composed, as is said, from the books of their custom-houses, it appears, that, of the indigo imported there in the years 1773, '4, '5, one-third was re-exported to the colonies, with like authority, we learn, that, of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation, since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below fifty shillings the quarter, and other grains in proportion.

The United Netherland prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain. All our other productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in their own societies, partly consumed and partly re-shipped to other maritime countries. On the latter portion they intercept between us and the consumer so much of the value as is absorbed by the charges attending an intermediate deposit. Foreign goods, except some East India articles, are received in vessels of any nation. Our ships may be sold and naturalized there, with exceptions of one or two privileges, which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice, carried in their own vessels, and half as much more, if carried in ours; but the exact amount of these duties is not perfectly known here. They lay such as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional, on that, or twenty mills, carried in ours or any others. Being thus rendered more dear, though possibly a little cheaper than other foreign goods, the rice, exported thither, is consumed here, instead of in the other countries, where it is more valuable.

Andorra lays, in common with other countries of the same family, duties on our rice, salted fish, and other foreign productions, very heavy.

Our vessels are charged proportionately on the rice, salted fish, and other foreign productions, which is carried thither our own produce. Her vessels alone, may take it from us, and bring us in exchange, rum, molasses, sugar, coffee, cocoa nuts, ginger, and pimento. There are, indeed, some freedoms, as to the rice, in the island of Dominica, but under such circumstances, as to be little used by us. We have, however, no such advantage in the British continental colonies, and in Newfoundland, where our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles, in their own bottoms, but not in ours. Our citizens cannot reside as merchants or factors, within any of the British plantations, and are expressly prohibited to reside in any of our own.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and bread stuff, by proclamation. The Executive, limited always to the term of a year, but never renewed, are empowered to prohibit our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone, may take it from us, and bring us in exchange, rum, molasses, sugar, coffee, cocoa nuts, ginger, and pimento. There are, indeed, some freedoms, as to the rice, in the island of Dominica, but under such circumstances, as to be little used by us. We have, however, no such advantage in the British continental colonies, and in Newfoundland, where our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles, in their own bottoms, but not in ours. Our citizens cannot reside as merchants or factors, within any of the British plantations, and are expressly prohibited to reside in any of our own.

The Statute of 12 Car. 2. c. 18, commonly called the navigation act.

In the Danish American possessions, a duty of 5 per cent. is levied on our corn, corn meal, rice, tobacco, wood, salted fish, indigo, horses, mules, and live stock, and 10 per cent. on our flour, salted pork, and beef tar, pitch, and turpentine. * April 12, 1792.
COMMERCIAL PRIVILEGES AND RESTRICTIONS.

In the American islands of the United Netherlands and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the continent.

To sum up these restrictions, so far as they are important:

Free.
In Europe—
Our bread stuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spanish and other colonies.
Our tobacco is heavily dutied in England, Sweden, and France, and prohibited in Spain and Portugal.
Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.
Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.
Our whale oils are prohibited in England and Portugal.
And our vessels are denied naturalization in England, and of late in France.

Second. In the West Indies—
All intercourse is prohibited with the possessions of Spain and Portugal.
Our salted provisions and fish are prohibited by England.
Our bread stuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pay a small duty.

Third. In the article of navigation.
Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.
We can carry no article, not of our own production, to the British ports in Europe. Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may best be removed, modified, or counteracted.

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist, or 2. By the separate act of our own Legislatures for countervailing their effects. In the first of these two, friendly arrangement is the most eligible. Instead of embarrasing commerce under piles of regulations, duties, and prohibitions, they are relieved from all its shackles in all parts of the world; could every country be employed in producing that which nature has best fitted it to produce, and be they free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things that contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to effect arrangements with the nations since it is one by one only, that it can be extended to all. Where the circumstances of either party render it expedient to place upon the other a duty of importance, could the freedom of trade be modified, in that particular, by mutual and equal restrictions, measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to modify its restrictions and regulations for their own advantage, to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equal advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life, or materials for manufactures, or convenient subjects of revenue; and we take in return those things which we may not produce, or we have produced the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market.

Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitory duties, and regulations, it behoves us to protect our citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, it is essential. Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace, it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, it is to be said, that is to say, when those nations who may be our principal carriers, shall be at war with each other, that it is, if not itself a means of transport, at least a means of support to those of whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are the least sufficient; or it will be disarmament of its defence, its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of opposing them, its politics may be influenced by those who command its commerce. The carriage of our own commodities, if it can be done in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defence, and time will be required to raise up others, when disgrace or losses shall bring to our feelings, the error of having abandoned them.

The measures for maintaining an income of share of navigation, are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who thus put us on the defensive, or others equivalent and better fitted to their object.

The measures,一经 principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation.

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here, in competition with our own of the same kind; selecting such manufactures as we take from them in greatest quantity, and which at the same time we could the sooner furnish to ourselves, or obtain from other countries, lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of prohibiting to our manufacturers the possibility of manufacturing all of the same kind, may induce the manufacturer to come hither into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may enable him the highest profits from his skill and industry. And here, it would be in the power of the State Governments to cooperate essentially, by opening the resources of encouragement which are under their control; extending them liberally to those particular branches of manufacture for which their soil, climate, population, and other circum-
stances, have matured them; and fostering the precious efforts and progress of household manufacture, by some patronage, suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the counsels and conduct of others, and of promoting arts, manufactures, and population, at home.

2. Where a nation refuses to permit our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive, in our vessels, any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee, are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours, which has not been built within our territories, we should refuse to consider theirs, any vessel not built within their territories.

5. Where a nation refuses to our vessels, the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But, as justice and goodneighborhood would dictate that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too heavy a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only, as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain, alone, has already lost us in our commerce with that country and its possessions, between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effective remonstrance. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing, when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscriminate trade, for once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions, as to those who treat both with liberty and justice, liberty and justice will be converted by all, into duties and prohibitions. It is not to our one due share in the transportation of them; but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case, one distinction alone will suffice: that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, may the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated, that friendly arrangements are preferable with all who will come into them; and, that we should carry into such arrangements, all the liberality and spirit of accommodation which the nature of the case will admit. France has, of her own accord, proposed negotiations for improving, by a new treaty, on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present Government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations, with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress, to determine whether, as to those nations, they will not surcease express discussions, on the reasonable presumption, that they will concur in doing whatever justice and moderation dictate should be done.

TH: JEFFERSON.

5th Congress.]  No. 69.  [1st. Session.

SPAIN AND THE INDIANS.

Message from the President of the United States, communicating further information in relation to Spain and the Indians.

Gentlemen of the Senate, and of the House of Representatives:

Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information.

GEO. WASHINGTON.

The Secretary of State to Messrs. Varis and Javinden.

PHILADELPHIA, Dec. 21, 1793.

GENTLEMEN: I have to acknowledge the receipt of your favors of November 30, and December 13, which have been laid before the President, to whom every evidence of a disposition in your favor, of a social and friendly disposition. It is pleasant, and well pursued with good effects, both by Spain and us, will add to the prosperity of the Hanging Maw's, wears a complexion to meet the most entire disapprobation of the United States. It is not yet, however, so developed in all its circumstances, as to authorize me to express a definitive opinion on it. This will be done, as soon as circumstances will permit the persons charged with the fact, to say so with safety, in the meanwhile, that they will approve at no time of any act which shall be
either-aggressive or unjust towards our Indian neighbors. I flatter myself that your residence among us must have convinced you that atrocities of the nature of those charged on that occasion, are not in the spirit of our Government, and must have satisfied you how groundless is the base calumny repeated by the Governor of Louisiana, of a reward of 500 dollars offered for the head of an individual by the State, if by that he means those in authority, and if he means unauthorized individuals, it would hardly seem to justify his very general investigation.

His remonstrating against the passage of our citizens along the Mississippi, even above the 31st degree, and his apprehensions of those nations of Indians inhabiting above the same limit, will not be noticed at a moment when we do not rely on the justice of your Government, and your own dispositions to inculcate it, that your agents will be inhibited from taking any part between us and the Indians, inconsistent with the friendship which we hope will ever prevail between us, and which we shall endeavor sincerely to cultivate by every act of justice and good neighborhood.

I have the honor to be, &c.

TH: JEFFERSON.

Messrs. Viar and JAUDENES.

[Translation.] J. de JAUDENES to the Secretary of State.

PHILADELPHIA, December 18, 1793.

SIR: In addition to the various papers which, on different occasions, we have had the honor to put into your hands, relative to the affairs of the Indians, our neighbors and allies, we have now the pleasure to transmit you a copy of extracts concerning this object, which we have lately received from the Governor of Louisiana.

Its contents will confirm to you the reason with which we ought to complain of the conduct observed by the several agents of the United States on those frontiers.

At the same time you will observe the salutary measure which the said Governor proposes, to put an end to such atrocities and disorders as have been committed, and as is probable, will continue until an efficacious remedy be applied.

What is mentioned in the enclosed copy appears to have all the requisites of humanity, good faith, and sincere correspondence.

In this expectation we request you to be so good as to give information of the whole to the President of the United States, to the end that these may determine what they shall judge convenient: seeing how much good may be produced by the friendly convention proposed, and how much evil by the omission of it.

We repeat assurances of the most sincere good will and greatest respect, and have the honor to subscribe ourselves, sir, &c.

JOSEPH DE JAUDENES.

In the absence of Joseph de Viar.

JOSEPH DE JAUDENES, for him.

THOMAS JEFFERSON, Secretary of State.

CHEROKEES, September 12, 1793.

SIR: The bearer of this is the Little Turkey, whom, without any previous acquaintance, I take the liberty to beg leave to introduce to your Excellency's civility and attention, as one of the Cherokees.

As this nation are likely to be reduced to a very distressing situation, his chief business to Pensacola is to obtain a present supply of ammunition.

Your Excellency no doubt is acquainted how the present dispute between the Indians and the Americans originated, by first murdering a number of their people, under the faith of Government assembled at the Hanging Maw's, at the earnest solicitation of Governor Blount and other agents of the United States. Since then, the whites have committed a number of outrages by killing women and children, and in fact all they could find without distinction, parties of the nation to turn out to take revenge. They are now started to the number of six or seven hundred. All this while the Cherokees have done nothing to justify such treatment. Many repeated violations instigated when the Indians came to the determination of carrying on an expedition, it was agreed in council that the traders should bring them a present supply of ammunition, which the traders agreed to do; that is, one horse load each. Some that do not go down send a horse to bring it up for them.

This, however, is only my own opinion. But I think there will not be horses sent to bring more this winter than what will bring the supply mentioned.

His Excellency Governor WHITE. Es Copia.

JAUDENES.

[Translation.]

Extract of a letter from the Governor of Louisiana, relative to the affairs of the Indians.

NEW ORLEANS, October 28, 1793.

The Cherokee nation, furious for the assassinations committed at the Hanging Maw's on several of their principal chiefs, and for the repeated hostilities of their neighbors, the Americans, have taken the field to the number of six or seven hundred warriors, to avenge themselves of such outrages as appears by the enclosed extract of a letter, which I have lately received from a principal person residing in the same nation, of whom the Americans people who value themselves so much for humanity and equity, ought, in my opinion, to be ashamed to teach men, savage indeed, but ignorant nevertheless of such morals. The pains which I have taken to tranquilize the Cheroke nation, have been rendered useless by the bad faith and the insults of their neighbors and white men. To see, or to aid them with arms and ammunition, until I shall receive information of the determination which his Majesty has taken in consequence of the petition which that nation has addressed to him, I will endeavor to satisfy by way of present, and conformably to what we have been used to practise with the other nations our allies.

In the confines of Georgia, the Americans have provoked equally the Creek nation by the burning of the towns Hotchitken and of Chatouchey, killing in both several men, and taking away women, boys, and children. The supply wanted for the present will amount only to 14 horse loads; that is, 700 pounds powder, 1400 ball. The supply therefor will not be horses sent to bring more this winter than what will bring the supply mentioned.

His Excellency Governor WHITE.
At a meeting held by the chiefs of the Upper and Lower Creeks, the 27th day of August, they determined to divide themselves into four bodies, and to pass the river Oconee at different places, and on the same day, to attack the possessions of the Georgians. However, our commissary, Captain Peter Olivier, was able to make them desist from their enterprise, by threatening to retire from the nation, and to leave them abandoned by Spain.

After the burnings before mentioned, it was impossible to restrain those Indians in their resentment, so that various parties of them went out for war; and the towns petitioned us for arms and ammunition. The commissary of Congress, Seagrove, remains at Rocklandings, from whence he is to go to the Indian town of Tokepatchey, with new propositions of peace.

From what is here related, of which you will make the proper use, it is clearly evident, that the Americans of the frontiers are those who provoke the Indians with hostilities; and that, far from excusing these against them, they owe to us the little efficacy with which hitherto they have repelled their insults. If Congress desires peace in good faith with our allies, and especially with the Creeks, the President may charge the commissary Seagrove for that purpose, who may see the King's commissary in the said nation, Peter Olivier. Treating with good harmony on all the subjects which divide the Creek nation and the Georgians, and leaving in suspense the question of limits under conference at Madrid, peace will quickly be re-established, as is equally desired by the Indians and us.

In fine, if Congress determines to send very strict and efficacious orders to put a stop to all kind of hostilities and vexations against the Cherokees, I pledge myself equally to persuade that nation that their interests require that they should live in the most perfect harmony. And I do not doubt that I shall obtain it from those Indians, whose information is much superior to that of the other savages.

I have succeeded to re-establish peace between the Creek and Chickasaw nations; but it is not just that, while we are exercising ourselves to tranquility and peace, the projects of vengeance of those Indians against the American settlements, their Governors should be endeavoring to foment war among our allies by sending arms, as was the case in the beginning of this year, by Lieutenant Clark, who landed at Margos, at the head of thirty armed gun men, with a convoy of Indian corn, 300 fuses, 4,000 lbs. ball, a great quantity of powder, salt, &c. to Paimingo, a chief of the Chickasaw nation, who has always fomented it a party adverse to the interests of the King, and desiring the continuation of the war, while, on my part, I have refused arms and ammunition to both nations. While that should continue, I have to desire that you will obtain from Congress the strictest orders to Governor Blount, Robertson, and the other officers employed in their Western establishments, that they abstain from fomenting the turbulents of the chief Principalities of sending metals and patents to the other chiefs of our nations, as we observe rigorously with respect to theirs; and finally, that they do not undertake in future to send armed troops on the Mississippi, with a visible infradiction or contempt of the territory of his Majesty, which might happen to begot hostilities on the one side or the other.

THE BARON DE CARONDELET.

To Messrs. Joseph Jaundens and Joseph Vma.

A Copy.

JAUNDES.

COMMERCIAL LAWS OF FOREIGN NATIONS.

Message from the President of the United States, transmitting a report from the Secretary of State, together with a certain decree and ordinance of the Governments of France and Spain.

Gentlemen of the House of Representatives:

I now transmit you a report by the Secretary of State, of such laws, decrees, and ordinances, or their substance, respecting commerce in the countries with which the United States have commercial intercourse, as he has received, and has not stated in his report of the 16th instant.

GEO. WASHINGTON.

The Secretary of State, to whom the President of the United States referred the resolution of the House of Representatives of December 24th, 1793, desiring the substance of all such laws, decrees, or ordinances, respecting commerce in any of the countries with which the United States have commercial intercourse, as he has received by the Secretary of State, and has already stated to the House in his report of the 16th instant; that he has had an official communication of a decree rendered by the National Assembly of France, on the 26th day of March last, of which the following is a translation:

"DECREE"

"Exempting from all duties, the subsistances and other objects of supply in the colonies, relatively to the United States, pronounced in the sitting of the 26th of March, 1793, second year of the French republic."

"The National Convention, willing to prevent, by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America; to grant favors to this ally nation, and to treat it, in its commercial relations with the colonies of France, in the same manner as the vessels of the republic, decree as follows:"

"Article 1st. From the day of the publication of the present decree in the French American colonies, the vessels of the United States, of the burden of sixty tons at the least, laden only with meals and subsistances, as well as the objects of supply announced in article 2d, of the arret of 30th August, 1794, as also lard, butter, salted salmon, and candles, shall be admitted in the ports of said colonies, exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

"Article 2d. The captains of vessels of the United States, who, having brought into the French American colonies the objects comprised in the above article, wish to return to the territory of the said States, may use in the said colonies, the provisions, first class, rum, sugar, coffee, and French merchandises, a quantity of coffee equivalent to the one-fifth of the tonnage of every vessel, as also, a quantity of sugar equal to the one-tenth, on conforming to the following articles:"

"Article 3d. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar, of the French colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo, according to article 1st; for this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom house of the place he may land at, a certificate of the marine agents, establishing the gauge of his vessel, and the effective tonnage of her cargo."

"The heads of the said custom houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the 2d article of the present decree."

United States, December 30th, 1793.
"ARTICLE 4th. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the republic, but a duty of five livres per quintal of indigo, ten livres per thousand weight of cotton, five livres per thousand weight of coffee, five livres per thousand weight of brown and clayed sugars, and fifty sous per thousand weight of raw sugar. Every other merchandise shall be exempt from duty, on going out of the colonies.

"ARTICLE 5th. The sugars and coffee which shall be laden, shall pay at the custom houses which are established in the colonies, or that shall be established, in addition to the duties above fixed, those imposed by the law of 19th March, 1791, on the sugars and coffee imported from the said colonies to France, and conformably to the same law.

"ARTICLE 6th. The captains of vessels of the United States, who wish to trade merchandise of the said colonies for the ports of France, shall furnish the custom house at the place of departure, with the bonds required of the masters of French vessels, by the 3d article of the law of 10th July, 1791, to secure the unloading of these merchandise in the ports of the republic.

"ARTICLE 7th. The vessels of the nations with whom the French republic is not at war, may carry to the French American colonies, all the objects designated by the present decree. They may also bring into the ports of the republic, only, all the productions of the said colonies, on the conditions announced in the said decree, as well as that of 19th of February."

"Copy conformable to the original."

GENET.

That he has not received officially any copy of the decree said to have been rendered by the same Assembly, on the 27th day of July last, subjecting the vessels of the United States, laden with provisions, to be carried against their will into the ports of France, and those having enemy goods on board, to have such goods taken out as legal price.

That an ordinance has been passed by the Government of Spain, on the 9th day of June last, the substance of which has been officially communicated to him in the following words, to wit:

"Extract of an ordinance for regulating provisionally the commerce of Louisiana and the Floridas, dated the 9th of June, 1793.

"The preamble states, that the inhabitants of Louisiana being deprived of their commerce with France, (on account of the war) as allowed by the ordinance of January, 1792, &c. his Majesty, considering that they and the inhabitants of the Floridas cannot subsist without the means of disposing of their productions, and of acquiring those necessary for their own consumption, for that purpose, and to increase the national commerce, the commerce of those provinces, and their agriculture, has directed the following articles to be provisionally observed:

"The inhabitants of the above mentioned provinces to be allowed to commerce freely, both in Europe and America, with all friendly nations, who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to the articles to be sent, or to be received. Every vessel, however, to be subjected to touch at Corcoration, in Galicia, or Alzinc, and to take a permit there, without which, the entry not to be allowed in the ports above mentioned.

"The articles of this commerce, carried on thus directly between those provinces and foreign nations, to pay a duty of 15 per cent. importation, and six per cent. exportation, except negroes, who may be imported free of duty: the produce of gold and silver exported to purchase those negroes, to pay the six per cent. exportation duty, the exportation of silver to be allowed for this purpose only.

"The commerce between Spain and those provinces to remain free. Spaniards to be allowed to observe the same rules, and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces, as for the other Spanish colonies.

"To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas, (even those whose admission is prohibited for other places) may be entered in the ports of Spain, and in like manner, tobacco, and all other prohibited articles, may be imported into Spain from those provinces, to be re-exported to foreign countries.

"To improve this commerce, and encourage the agriculture of those provinces, the importation of foreign rice into the ports of Spain is prohibited, and a like preference shall be given to the other productions of these provinces, when they shall suffice for the consumption of Spain.

"All articles exported from Spain to these provinces shall be free of duty on exportation; and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to exporters.

"These foreign articles, thus exported, to pay duty of three per cent. on entry in those provinces those which are not foreign, to be free of duty.

"The articles exported from those provinces to Spain, to be free of duty, whether consumed in Spain, or re-exported to foreign countries.

"Those Spanish vessels which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of 3 per cent.

"All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in his Majesty's American dominions.

"No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine, for any of the Spanish islands, or other dominions in America, except for some urgent cause, in which case only, the respective Governors to give a permission, but without allowing any other articles to be embarked than the productions of those provinces.

"All foreign vessels purchased by his Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subject, they proving that they are absolute and sole proprietors thereof."
FOREIGN RELATIONS.

3d Congress. [1st Session.]

No. 71.

SPAIN.

Message from the President of the United States, communicating a translation of a letter from the Representatives of Spain.

Gentlemen of the Senate,

and of the House of Representatives:

I communicate to you the translation of a letter received from the representatives of Spain here, in reply to that of the Secretary of State to them, of the 21st instant, which had before been communicated to you.

GEO. WASHINGTON.

Messrs. Jaunenes and Viar to the Secretary of State.

December 26, 1793.

JOSEPH DE JAUNENES.

JOSEPH IGNATIUS DE VIAR.

3d Congress. [1st Session.]

No. 72.

REFUGEES FROM ST. DOMINGO.


Mr. SAMUEL SMITH, from the committee to whom was referred the petition of William Patterson, Samuel Sterrett, and Gustavus Scott, the committees appointed by the Legislature of Maryland to draw and distribute the moneys granted by that State, for the relief of the French emigrants from the Island of St. Domingo, made the following report:

That they consider the sufferers now in Baltimore, from St. Domingo, as objects strongly recommended to the compassion of Congress, by the many distressing circumstances that attend their case. Of the extent of the calamity, or of the number of sufferers involved, (which exceed three hundred in number) the committee entertain no doubt; nor can they doubt the improbability of further support from the citizens of Baltimore, to whose unexamined exertions of kindness and charity, the nation will stand indebted. For a lack of funds, that will timely ministration never fails to stop. They consider that, if humanity be a duty to the individual, it becomes peculiarly a glory in a Legislature, when the relief extended is but a manifestation of the general sympathy of the constituent body. That the Legislature of the State of Maryland, whose local situation enabled them to gain the best information of the actual distresses of the sufferers, that they had but pursued an honorable example, set by their constituents, when they passed a resolution, on the 27th and 28th of November last, allowing to the committee of relief, for the use of the sufferers, five hundred dollars a week, from the first of December to the second of February next.

The committee beg leave to recommend the following resolution:

That the committee of relief appointed at Baltimore, by a resolution of the State of Maryland of November last, in behalf of the sufferers from St. Domingo, have power to draw on the treasury of the United States, monthly, from the second day of February next, until the — day of next — dollars, to be applied by the said committee agreeably to the rules of their body.
FRANCE.

Message from the President of the United States to Congress, communicating a letter from the Minister Plenipotentiary of the French Republic, and a copy of certain proceedings of the Legislature of South Carolina.

Gentlemen of the Senate and of the House of Representatives:

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State, and the Minister Plenipotentiary of the French republic, the copy of a letter from that Minister, of the 25th of December, 1793; and a copy of the proceedings of the Legislature of the State of South-Carolina.


COLUMBIA, December 7, 1793.

SIR: I have the honor of transmitting to you, the resolves of the Legislature of this State, with a number of affidavits, setting forth, that certain persons in this State, have been enlisting men for the service of the French republic, to go on an expedition against a Power not at war with the United States. The investigation of the whole business is fully expressed in the report of the committee.

I have the honor to be, &c.

WILLIAM MOULTTRIE.

State of South Carolina:

In the House of Representatives, December 6, 1793.

The committee to whom was referred the business of examining into, and ascertaining the truth of a report, that an armed force is now levying within this State, by persons under a foreign authority without the permission, and contrary to the express prohibition of the Government of the United States, and of this State, report:

That they have made diligent inquiry respecting the truth of this report, and have collected such evidence relating to the facts in the case, as will satisfactorily prove that your committee are perfectly satisfied, from the information, on the oaths of divers credible persons, which they have received, that William Tate, Jacob R. Brown, William Urty, Robert Tate, Richard Speke, citizens of this State, and other persons unknown to your committee, also citizens of this State, have received and accepted military commissions from M. Genet, minister plenipotentiary from the republic of France to the United States of America, authorizing them, and instructing them, to raise, organize, train, and conduct troops, within the United States of America; that the avowed purpose for which these troops are now raising, is, to rendezvous in the State of Georgia, and from thence to proceed into the Spanish dominions, with a view to conquer or plunder, as their strength might enable, or opportunity might tempt them; that, in the event of a French fleet approaching the coasts of the Southern States, a junction and co-operation with it, is contemplated by the persons above mentioned; but that, though this was the avowed object of these troops and their leaders, among themselves, from the injunction to conceal the whole system from persons not interested, and the subordination established by M. Genet, the author of the plan, and the source of authority to the officers, it is probable that the corps, when raised, must yield to any change of destination which the judgment or inclination of M. Genet may point out to them; that several of the persons above named, received, together with their commissions, instructions by which they were to regulate their enrolments of men, during the day, night, races, clothing, plunder, and division of conquered land, to be allotted to the officers and men who should enter into this service, and marking the proportions of the acquisitions to be reserved to the republic of France; that the persons above named, in pursuance of the powers vested in them by the said commissions, and in obedience to the instructions of M. Genet, and his aids, particularly M. Mangourit, who signed some of the papers, have proceeded by themselves, and by their agents, without any authority from the United States, or from this State, to enrol numbers of the citizens of this State, whom they deluded with the hopes of plunder and the acquisition of riches, in the service of the republic of France, to be subject to the orders of M. Genet, the minister plenipotentiary of France.

That Stephen Drayton and John Hamilton, also citizens of this State, have made application to the good citizens thereof, to engage in this scheme of raising men in this State for the service of France, to act under the orders of M. Genet, and to commit acts of hostility against nations at peace with the United States of America; and have avowed that they acted by the authority of M. Genet, the minister plenipotentiary of the republic of France; that upon the whole of the information which your committee have been able to obtain, this is a daring and dangerous attempt by a foreign minister to intermeddle in the affairs of the United States, to usurp the powers of government, and to levy troops in the bosom of the Union, without the authority, and contrary to the express sense of the Government of the United States, and in violation of the laws of nations.

That the direct tendency of these measures of the foreign minister, is to disturb the internal tranquility of the United States, and to involve them in hostilities with nations with whom they are at peace, which sound policy requires should be preserved. That, in the opinion of your committee, this attempt is the more dangerous and alarming, as many citizens of the United States have been thereby seduced from their duty by insidious arts practised on their kindred affection to the French republic; and have been drawn into a scheme, in the execution of which they have assumed the functions of government, and exceeded the power of the said, which the wisdom of the constitution has vested exclusively in the Congress and President of the United States. That this committee do therefore recommend, that the Governor of this State be requested to issue his proclamation, forbidding all persons from enrolling any of the citizens of this State, and prohibiting the citizens from enlisting under any officers, or for any purpose not previously sanctioned by the Government of the United States, or of this State, and to proceed to render all unlawful assemblages of troops, unauthorized by Government; and that the Governor be requested to exert the whole public force to the utmost extent, if necessary, to ensure obedience to his proclamation.

The Hon. John Hamilton, and Richard Speke, have been guilty of high crimes and misdemeanours; and they recommend that the attorney general and solicitors be directed, forthwith, to institute, or cause to be instituted and conducted, proceedings in the proper courts of law, against the said William Tate, Jacob R. Brown, Robert Tate, Stephen Drayton, John Hamilton, and Richard Speke, for accepting, or engaging in, this fraudulently procured plan, and thereby causing, pursuant to the authority of a Power, to raise troops within the United States, and for going about within the State, levying or attempting to levy troops, and for seducing, and endeavoring to seduce, the citizens of this State to enrol themselves for foreign service, to commit acts of hostility against nations, with whom the United States are at peace, without the permission of Government, and contrary to the proclamation of the President of the United States, declaring these States to be in a state of neutrality and peace.
Resolved unanimously, That this House do concur in the said report.

Ordered, That the report and resolution be sent to the Senate for their concurrence.

By order of the House:

JOHN SANDFORD DART, C. H. R.

IN THE SENATE, December 7, 1793.

Resolved unanimously, That this House do concur with the House of Representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the House of Representatives.

By order of the Senate:

FELIX WARLEY, C. S.

COLUMBIA, Dec. 9, 1793.

THE STATE OF SOUTH CAROLINA:

By his Excellency William Moultrie, Governor and Commander-in-Chief in and over the State aforesaid. A Proclamation.

Whereas information hath been given to me, that an armed force is now levying within this State, by persons under a foreign authority, without the permission, and contrary to the express prohibition of the Government of the United States, and of this State: And whereas measures of this sort, if permitted by Government, must tend to disturb the internal tranquillity of the United States, and involve them in hostilities with nations with whom they are now at peace, which sound policy requires should be preserved; and as many of the citizens of this State may be induced, by the insidious arts of the persons acting under the foreign authority aforesaid, in violation of every law, as well of the United States as that of nations, to enlist themselves, and engage in a scheme so repulsive to this country: I do, therefore, in order to put an immediate stop to such unlawful and pernicious practices, issue this my proclamation, hereby strictly forbidding any person to enlist any of the citizens of this State, and prohibiting the citizens thereof from enlisting under any officer, or other person, for any purpose not previously sanctioned by the Government of the United States, or of this State. And I do positively forbid all assemblages of troops, unauthorized by Government, under pain of suffering the penalties declared by law for such offences.

Given under my hand, and the seal of the State, in the town of Columbia, this 9th day of December, in the year of our Lord one thousand seven hundred and ninety-three, and of the independence of the United States of America the eighteenth.

WILLIAM MOUTHIE.

By the Governor's command:

PETER FRENCH, Secretary.

COLUMBIA, Dec. 9, 1793.

SOUTH CAROLINA:

[Signature]

maketh oath, that Robert Tate applied to this deponent during the sitting of the Pinckney court, November term last, and urged him to accept an appointment in a body of troops that was to be raised in this State under French commissions; which troops were to go on an expedition against the Spanish possessions, on some part of the American continent.

This deponent adds that Robert Tate expressly told him that he was then acting under a French commission from the French Government, and was determined to enlist men as soon as possible.

Sworn before me, this 2d December, 1793.

A true copy, and which I attest:

JOHN SANDFORD DART, Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

SOUTH CAROLINA:

Before me personally appeared ————, of Pendleton county, who being duly sworn, deposeth as follows, that is to say; that, on Sunday, the twenty-fourth of November last, he, this deponent, was in company with Mr. William Tate, and lodged in the same house with him at Cambridge; that the said William Tate showed unto this deponent, a certain paper written in French, and also in English, and under the hand and seal of citizen Genet, minister plenipotentiary of the republic of France to the United States of America, which paper was a commission, directed to the said William Tate, constituting and appointing him a Colonel, in the service of the French republic; that he also saw in the possession of the said William Tate, another paper, signed by citizen Genet, (as well as this deponent can recollect) being a plan for the formation of a military corps, ruled like a brigade return, with columns specifying the number of officers and men, the pay, the rations, and the proportion of spoil each one was to have; this deponent thinks they specified, one lieutenant colonel, a second lieutenant colonel, captains, and from thence down containing thirty-two commissioned and non-commissioned officers, and one hundred and twenty-four privates; that the number of battalions was unlimited; that the spoil was to be so distributed as to leave a certain portion thereof to the French nation viz. two parts; but into how many parts the whole was to be divided, the deponent cannot recollect. The said William Tate informed this deponent, that, if these instructions be laid out, a number of persons, to enlist men in this State, into the French service; that, if the measures taken, should be successful, blank commissions would be sent on from the northward, and each person would receive a commission, according to the number of men he should enlist. The deponent saith, that this was set forth in the instructions, that the deponent saw, that the said William Tate told this deponent, that the object of the enlistment was, to march to South America, and attack the Spanish dominions. This deponent further saith, that he saw at the same time, in the possession of the said William Tate, other papers, relative to the foregoing transactions, signed by Monsieur M. A. B. Mangourier, the particular purport whereof this deponent cannot now recollect.

Sworn the 3d day of December, 1793, before me.

A true copy, and which I attest:

JOHN SANDFORD DART, Clerk of the House of Representatives.

COLUMBIA, Dec. 9, 1793.

SOUTH CAROLINA:

Before me personally appeared ————, who being duly sworn, deposeth and saith, that on Saturday the 30th day of November last, as he was on his way to Columbia, to attend his duty in the House of Representa-
tives, and in crossing the ferry at Grassy, he fell in company with two men, one of whom, addressing him, mentioned that he had heard that he, this deponent, was one of their party, meaning, as this deponent received the impression at the time, the party for enlisting and raising men for the French service, (for the deponent and his companion had their company filled up, and pulling a paper out of his pocket, said it was his commission, and offered to show it to this deponent; this deponent told him he would not wish to deceive him, for that he, this deponent, was a member of another party, and did not look at his commission or papers.) One of the members of this deponent, that he hoped to see him, this deponent, in the new country, and that they were to have their rendezvous in Georgia; he asked this deponent, whether he had seen Captain Tate; that he was informed Captain Tate had been at his, the deponent's house. Deponent replied, that he had not seen him, that he did not know him, and that he had not been at his house that he knew of.

Sworn the 3d day of December, 1793, before me.

A true copy, and which I attest:

JOHN SANFORD DART.
Clerk of the House of Representatives.

STATE OF SOUTH CAROLINA:

Before me, personally appeared ————, who, being duly sworn, deposeth as follows: That, some time about the middle of November last, Stephen Drayton, Esq. and Major Hambleton, called at the house of this deponent, and mentioned to this deponent, as a very advantageous plan that was a-foot, to get as many men as possible to agree to assemble, by small parties, upon some of the shores near Charleston or elsewhere, and that a French fleet was to attend, for the purpose of receiving them; and that the object was to make a descent upon some of the Spanish islands, that would be a very lucrative conquest, if effected. They mentioned that Mr. Tate had gone forward on the same business to M. Genet, to obtain commissions; and this deponent understood, from the said Stephen Drayton and Major Hambleton, that they, the said Stephen Drayton and Major John Hambleton, were acting under the authority of the Minister of the French republic at the time. This deponent was thereupon applied to by the said Stephen Drayton, to be concerned in the enterprise, adding, that this deponent could be advanced to a pretty high commission. This deponent immediately refused to have any connexion, or be at all concerned in the enterprise, and thereupon suspected doubts of the legality of the undertaking, insomuch as it would be inconsistent with the proclamations of the President of the United States; adding, that it would, in all probability, be taken notice of by the Executive of this State.

Sworn the 3d day of December, 1793, before me.

The within a true copy, and which I attest:

JOHN SANFORD DART.
Clerk Ho. of Reps.

PHILADELPHIA, Dec. 25, 1793, 2d year of the French republic, one and indivisible.

SIR: I learn by the reports of the consul of the republic at Charleston, and by the public papers, that the Legislature of South Carolina had caused to be arrested different persons, accused of having received from me commissions for the purpose of levying an armed force in that State, for the service of the republic. Conceiving that such conduct, at the time, the party for enlisting and raising men for the American people, I hasten to inform you, that this deponent, which I have not authorized, in any manner, the recruiting, the formation, or the collecting of an armed force, or of any corps in the territory of the United States; but, at the same time, I am too frank to disguise from you, that, authorized by the French nation to deliver commissions to those of your fellow-citizens who should feel themselves animated with a desire of serving the best of causes, I have granted them to several brave residents of South Carolina, whose intention appeared to me to be to extricate themselves, and to go among the independent Indian tribes, ancient and allied races of France, in order to retaliate, if they could, in concert with us, on the Spaniards and English, the injury which the Government of these two nations had the baseness, for some time, to compel your fellow-citizens, under the name of these savages, in like manner, as is lately done under that of the Algerines.

I notify you, sir, that I shall publish this declaration, in order to calm inquietudes, and to dissipate the doubts to which the denunciation made in the Legislature of Carolina might give rise.

Accept my respect.

GENET.
FRANCE.

Message from the President of the United States, communicating certain intelligence from Europe.

Gentlemen of the Senate and of the House of Representatives:

I transmit for your information certain intelligence lately received from Europe, as it relates to the subject of my past communications.

GEO. WASHINGTON.

[Translation]

The Minister Plenipotentiary of the United States of America to the republic of France, to M. Deforges, Minister of Foreign Affairs.

SAIN-PORT, October 1, 1793.

Sir:

I have the honor to send you, herewith, the copies of two judgments rendered with regard to the American vessel the George. By the first, the tribunal, in conforming itself to the treaty of 1778, declared her unlawful prize; but, by the second, a part of the cargo is condemned as hostile property; and the tribunal has founded its decision upon the decree of the 27th July, Captain Richard Stevens, of the American vessel the Hope, also complains very bitterly of a sentence rendered lately against a part of the cargo of this vessel, which is incontestibly American property. This captain informs me, that the tribunal of St. Brieux has founded its decision upon the circumstance that, in the invoice, the owners of the vessel had added their commission to the price of the articles therein comprised—a thing in use among merchants, who, by this means, ensures the whole, they shelter from maritime danger the price of their labor, as they do that of their merchandize. I do not cite; sir; this sentence in the form of a complaint, first, because I have not yet received an authentic copy of it, and, above all, because I am persuaded that the superior tribunal, to whom an appeal must be made, will not fail to render justice.

I desire only to let you see, sir, how much discontent the execution of the decree of the 27th July must excite.

Persisted that the Convention wishes to maintain the closest connections between our two republics, I have given to my ministry the most positive assurances of it; but they will be contradicted by the injured persons, who, doubtless, will accuse the minister with supineness who does not adopt the feelings of his fellow-citizens; and my efforts will fail of their effect as soon as it can be imagined that I do not render a faithful account of the dispositions of the French republic, from the want of intelligence or exactness. I request you, sir, to pardon an observation which regards the particular interests of France. The circumstances of the moment prevent the fitting out of privateers, consequently it would cost nothing to cause the treaty to be observed with the greatest exactitude. Then, the contrast which the Americans would make between the conduct of France and that of its enemies, could not but be favorable; but, at present, on the contrary, every time we complain of the conduct of the English, they shut our mouths by this decree of 27th July. Nothing is more embarrassing for our minister at London, and nothing can be more injurious to the French republic, in the opinion of the neutral Powers. I hope, sir, that you will observe, in the freedom of the observations I have just made to you, the amicable and fraternal dispositions which have dictated them. I am sure, at least, of conforming to the views of the United States, in following my own inclination to remove every thing that might change the good harmony which exists between two nations, allied as well by the force of sentiment as by that of treaties.

I have the honor to be, &c.,

GOUV. MORRIS.

* M. Deforges, Minister for Foreign Affairs.

Extracts of a letter from Mr. Morris to the Secretary of State, dated October 10, 1793.

I am very anxious that consuls and vice consuls should be appointed in all the ports. My countrymen are incessantly applying to me, from every quarter, about property taken from them. I am desired from abroad, to claim such property. I have decidedly refused to lend my name on such occasions; because I am certain that I should be thereupon represented as a party interested; and of course, my representations, against the proceedings, which are but too frequent, would be disregarded.

On the twentieth of August, a deputation of four ship captains, chosen by their brethren of Bordeaux, called on me with a representation of the injustice they experienced in being prevented from sailing with their cargoes, &c. The deputation, as is natural, had flattered themselves with immediate and ample redress. It was my duty to moderate their expectations and to explain the difficulties. Interest is often blind and seldom just. My moderation was ill suited to their wishes; and my letter to the minister, of which a copy is enclosed, seemed to them rather an abandonment of their cause, than the prosecution of the only redress which appeared to me attainable, and in the only way by which it might be effected. I had cautioned them particularly, not to ask too much; because they would thereby run the risk of not obtaining what they asked for, or, if they should obtain it, of seeing their hopes blasted in the bud, by a repeal of an indulgent decree.

A decree was obtained, and before it could be executed, was repealed. Thus it has happened that they did mischief, without any benefit to themselves.

[Translation]

The Minister Plenipotentiary of the United States of America to the republic of France, to M. Deforges, Minister of Foreign Affairs.

PARIS, October 12, 1793.

Sir:

I have the honor to send you, herein enclosed, a copy of a letter, which has been addressed to me, by citizen Poitot, a lawyer, residing at Morlaix. It appears, that in the proceedings of which he has given an account, there are extraordinary irregularities, and I think it my duty to inform you of them, as, on the justice of tribunals, often depends the salvation, and always the prosperity of a State.

I request you, at the same time, sir, to permit me to make two general observations on the whole of this business: one of which applies to the organization, and the other to the proceedings of the commercial tribunals. The referring of questions on sea prizes to these tribunals, appears to me dangerous, since they involve the interpretation of the treaties, and the application of the law of nations; consequently, of peace and of war. Now we may be permitted to
entertain some doubt as to the knowledge of the judges, and we ought besides to fear, least they may be interested, as owners of privateers, in the questions which are submitted to them.

But whatever may be the extent of the tribunal, it appears to me essential, sir, that in their proceedings, they should receive all the claims which may be made to them; that they should even invite, without waiting for the authority of the persons interested, who are often at the distance of one thousand leagues. The jurisdiction of the tribunals within whose cognizance are the questions of prize, is in rem. They take possession of the thing, and by that means render themselves responsible for it. Now, as the tribunal, with the only exception of the thing, ought not to dispossess themselves of it, without a formal authoritative act of the true proprietor, it is their duty, not only to admit, but also to seek proofs, which may establish to whom the property truly belongs. This is a double duty towards the neutral proprietor, and towards their own jurisdiction; for every government which permits its citizens to fit out privateers, must with the destructive sword of war, hands which are interested to extend its ravages, and renders itself responsible for the abuses which result from so dangerous a delegation of sovereignty. For the purpose of repressing them, the admiralty tribunals have been established throughout the different nations of Europe. In these tribunals, the government combines the means of information of the facility with which it admits merely every species of claim. It preserves, by appeals, the right of deciding in the last resort on the contests which therein arise; and it gives the necessary time to enlighten its conscience on thorny questions, before the pronouncing of a sentence, which might extend or prolong the horrors of war.

The上面 are the reasons which have induced me to give the measures dictated to me. They daily make on me a more lively impression, on account of the claims addressed to me by my countrymen, of which I have communicated to you a very small part. I always send to the tribunals the injured persons, by giving them the most positive assurances that they will there obtain complete and prompt justice.

I have the honor to be, &c.

GOUV. MORRIS.

[TRANSLATION.]

Extract of a letter from the Minister for Foreign Affairs, to Mr. Morris, Minister Plenipotentiary of the United States of America, to the Republic of France, dated Paris, October 14, 1793, 2d year of the French Republic.

The extreme rigor with which the English, and the other belligerent Powers, treat all the neutral vessels destined for France, has put the republic to the painful necessity of arresting, by way of reprisal, in such vessels, the provisions belonging to its enemies. This severe measure, clearly explained in the decree of the 9th of May, of which I enclose you a copy, is the result of the most scrupulous consideration. It is, on the one hand, the firm determination of destroying several small privateers, which employ, against us, means disapproved by the laws of humanity, and by those of war. In casting your eye on this law, you can hardly, sir, avoid the conviction, that it was necessary and just that the republic could no longer, without intention to itself, preserve tolerable decency towards its implacable and ferocious enemies, and that the same principle, on the general opinion of mankind, warranted the exercise of this means of offense.

In comparing this law with the declarations made by the British Government, at Stockholm, Copenhagen, Florence, and probably at Philadelphia, you will observe an extreme difference between our manner of thinking and that of our neighbors. You will compare the one with the other, and the firm determination of destroying several small privateers, which employ, against us, means disapproved by the laws of humanity, and by those of war. But it seems, that France, attacked on all sides, abandoned to its own strength, without allies, without foreign succor, should confine herself scrupulously to the maxims of the law of nations, so cruelly violated by her enemies. Still, in this respect, I must say, that the neutrality of several Powers would be partial; that it would operate only in favor of our enemies, whose commerce would be peaceably carried on under the shelter of a borrowed flag, whilst ours could not, under any flag whatever.

The law of the 9th of May is conditional, while the declarations of the combined Powers are positive. It is in their power to put a period to the execution of this law, by permitting neutral vessels to communicate freely with France. These observations, sir, which you are too just not to appreciate, apply to the greater part of the claims which you have, under cover of a complaint, presented to me. If you will consult with respect to them, all that depended on me, in order to obtain, in favor of your countrymen, an exception of the general measures adopted with regard to neutral nations. I have used, among others, all the means with which your letters furnished me, to have restored the ship Laurens; but I have met with insurmountable obstacles, in the established laws, and in the opinion of the commercial nations, with respect to the reason which induced me to restore the vessel which you have sent me. It has consented, among other things, to have translated 561 letters, merely to prove, in the most authentic manner, the property of the cargo. The interested have besides avowed, themselves, that they had neglected an essential formality required by the laws.

You must be satisfied, sir, with the manner in which the request, presented by the American captains from Bordeaux, has been received. This fact, and several others of the same kind, which could not escape your attention, must have convinced you, that the particular circumstances of the republic permitted the administration to favor your countrymen, it was eager to give them testimonies of the desire which it always has had, of bringing nearer and nearer the citizens and the interests of the two countries.

We hope, that the Government of the United States will attribute to their true cause, the abuses of which you complain, as well as other violations of which our cruisers may render themselves guilty, in the course of the present war. It must acquire how difficult it is, to contain, within just limits, the indignation of our marines, and, in general, of all the French patriots, against a people who speak the same language, and have the same habits, as the free Americans. The difficulty of distinguishing our allies from our enemies, has often been the cause of offences committed against our vessels, which the administration could do, is to order indemnification to those who have suffered, and to punish the guilty.

I enclose, herein, several copies of the navigation act, decreed by the Representatives of the People. I request you to make the dispositions of them known to the Government of the United States. It will there find the basis of a system, connecting more and more the interests of the two nations.

DEFORGES.

P.S. I enclose herein, sir, an arrêt of the committee of public safety, which fulfils, in part, the object proposed in your letter of the 15th of this month. I shall have the honor of communicating to you the measures which shall be taken in the sequel.

[TRANSLATION.]

The Minister Plenipotentiary from the United States of America to the Republic of France, to Monsieur Deforges, Minister of Foreign Affairs.

PARIS, October 19, 1793.

SIR:

The attention which several pressing affairs required, made it impossible for me sooner to answer the letter which you did me the honor of writing to me on the 14th. I have examined, with respectful care, the decree of the 9th of May, emanating from the conduct of your enemies, and supported by some reasons, to which you have given
their greatest justro. It is possible, sir, that the difference of our position leads us to see the same object in a different manner. But, although I cannot be of your opinion, I do not intend farther to discuss the considerations which have produced the decision of the French Government. I confine myself to the rendering of a faithful account of it to the Government of the United States, and I am persuaded, that, in considering them, liberal friendship will put in the balance the difficulties of a revolution, and of a war without example. I ought, however, to observe to you, sir, that the question does not appear to me to turn on the law of nations, but on an exception to that law, by the stipulations of a treaty. This treaty, in derogating from this law, in favor of merchandises of your enemies found in our vessels, has derogated, in like manner, from it, to the prejudice of our merchandises found in the vessels of some enemy. We have seen, at Philadelphia, the public sale of a cargo, the property of one of our citizens, taken by a French privateer, on board an English vessel. All opposition was of no avail, because, according to the constitution, our treaties are the supreme law of the land. You will agree, sir, that it is hard for my fellow-citizens not to have the advantage, either of the treaty, or of the law of nations; to lose their merchandises by the treaty, and not to be able to compensate themselves for it, under the protection of this same treaty, by the freight of enemy merchandises. In comparing the facts of the same epoch, you will be amazed on seeing what passed at Paris and at Philadelphia. Your good sense will lead you to anticipate the claims of our merchants, and the insinuations of our enemies.

3d Congress.]

No. 75. [1st session.]

FRANCE.

Message from the President of the United States, communicating the information that the conduct of the French Minister Plenipotentiary has been disapproved.

Gentlemen of the Senate and of the House of Representatives:

Having already laid before you a letter of the 16th of August, 1795, from the Secretary of State, to the minister at Paris, stating the conduct, and urging the recall of the minister plenipotentiary of the republic of France, I now communicate to you, that his conduct has been unequivocally disapproved, and that the strongest assurances have been given, that his recall should be expedited without delay.


3d Congress.]

No. 76. [1st session.]

FRANCE.

Report of a Committee of the House of Representatives on the propriety of remitting the foreign tonnage on sundry French vessels which have taken refuge in the ports of the United States.

Mr. Venable, from the committee appointed to inquire into, and report, a state of facts respecting sundry French vessels, which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon, made the following report:

That the vessels to which this order has reference, were employed in commerce between France and the colony of St. Domingo. That, some time previously to the calamity which produced a total destruction of the town of Cape Francois, they had collected at that place, for the purpose of availing themselves of the advantage of a convoy to France; some of the ships of war, belonging to the republic, being about to sail for that purpose.

That their cargoes consisted of the productions of the colony, and were destined for France; that they were not intended to be carried immediately into any other country, with a view to make sale of them.

That, thus circumstanced, they were anchored in the road of the Cape, on the 30th of June, occupied in fitting their vessels for the voyage to Europe; a number of them being in great want of repairs. That, on the 30th, they were ordered to unmoor, and the next day made a precipitate departure; the greater part of them not having had time to make the necessary repairs to the rigging; without a sufficient stock of water or provisions to last them the voyage; and crowded with passengers, whose necessity had compelled to fly them for safety.

That some of them being able to go on shore before their departure, they were compelled to put to sea without their papers, instructions, or orders, and rolls of their crews; and, thus circumstanced, were compelled, by urgent and irresistible necessity, to direct their course to the nearest friendly ports, for the purpose of landing the passengers, refitting their vessels, and procuring a sufficiency of water and provisions to enable them to accomplish their voyage to Europe.

That, on their arrival in the American ports, the naval officer at the port where the greater number arrived, considered them as vessels in distress, and exempt by law from tonnage; but, doubts having arisen at the other ports, application was made to the Secretary of the Treasury and the Attorney General of the United States, both of whom were of opinion that the distress was not of the nature contemplated by the law, and therefore they could not be exempted.

Upon considering the before recited facts, your committee are of opinion, that, although, at the time of their departure from the Cape, they intended to enter the ports of the United States, for the purposes, and from the necessity before mentioned, yet there was no intention of altering their ultimate destination. That it remained essentially the same; and that the case may be well considered as falling within the spirit and intention of the thirty-seventh section of the law to provide more effectually for the collection of the duties imposed, by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, also within the provision made by the nineteenth article of the treaty of amity and commerce between France and the United States.

That, as the officers whose province it was to make a decision, in this case, have not felt themselves justified in putting this construction on the law, a legislative interference is necessary; and that the tonnage duty ought to be remitted.
GREAT BRITAIN.

Message from the President of the United States, communicating extracts of further advices from the Minister Plenipotentiary of the United States at London.

Gentlemen of the Senate
and of the House of Representatives:

I forward to you extracts from the last advices from our minister in London, as being connected with communications already made.

Extract of a letter from Thomas Pinckney to the Secretary of State.

"London, August 13, 1793.

I continue to receive assurances from him, of the desire of this Government, so to conduct the measures they think themselves justified in pursuing towards the neutral Powers, as to render them as little detrimental to our commerce as the state of warfare existing in Europe will admit; and on complaint of some irregularities committed by British privateers, he requested me to select some instances where the evidence is clear, in order for criminal prosecutions to be instituted against the offenders, in which he promised the fullest support of the law officers of the crown, and I am now endeavoring to fix upon some strong cases where our evidence may be sufficient to ensure conviction. I believe it to be the desire, both of the Government and the People in general here, to be upon good terms with us but the line of conduct pursued to the neutral Powers, in which I do not perceive any symptoms of relaxation, cannot but create dissatisfaction. From the Department of State, I generally obtain explicit answers on such subjects as they are competent to decide; but where references are made thence to other departments, which is very frequently the case, the delays are very great, especially in the business with the admiralty."

Order of the Admiralty, enclosed in the letter of August 13, 1793.

September 3, 1793.

Ordered, That freight and reasonable expenses shall be allowed to all masters of neutral carrier ships, and be a charge upon the cargoes, whether condemned or restored, or ordered for further proof of neutral property: Provided always, That no mala fides, or prevarication, shall appear, or be justly presumed, or suspected, on the part of any neutral master, and that such neutral master shall make oath that such freights are not already paid for, or engaged for to be paid by the owners of the said cargoes, in view of every event of capture, or otherwise. Demurrage shall be allowed, and considered as a reasonable expense, only in cases where the ship shall be pronounced to have been unjustly seized and brought in for adjudication, or bulk broken, and his Majesty’s instructions disobeyed, or where there has been actual and wilful damage done, and misusage of persons or property by the captor, or when the time of detention for the purpose of unliverny of the cargo, or repairing such damage, shall exceed the time specified in the charter party, or when the neutral master shall not refuse or neglect to take away his ship upon bail offered to be given by the captors for freight, and reasonable expenses. That, where the value of corn, and naval stores, sold to his Majesty, shall be decreed to be paid to any neutral claimant, the owner, in cases where such corn, provision, and other naval stores, by any treaty or particular stipulation, shall be held to be not contraband, and so not confiscable, the captor who shall have brought in such privileged ships and cargoes, in consequence of his Majesty’s orders and instructions, and whom shall have given bail to be answerable, upon unliverny of the same, for freight and reasonable expenses, in case that any shall be allowed, shall be discharged from his bail; but that the freight, and such reasonable expenses, shall be decreed to be added to the price of the cargo, and to be paid to the captor by his Majesty.

Freights and reasonable expenses, where captors and claimants cannot agree, shall be referred to be settled by the deputy registrar, and merchants appointed by the court; the report, nevertheless, shall be subject to revision by order of the court, upon objections made by either party.

Extract of a letter from Thomas Pinckney to the Secretary of State, dated

"London, November 11, 1793.

"Tuscany has been obliged to abandon its neutrality. Genoa has been forcibly urged to the same measures, by the commanders of a combined Spanish and British fleet, who entered their port, and seized a French frigate, and some armed vessels lying there. A minister from that republic was received at the last levee.

"A proclamation is issued, directing our vessels from Pennsylvania, Jersey, and Delaware, to perform a quarantine of fourteen days."

*Probably a mistake.
† Minister for Foreign Affairs.

DEPARTMENT OF STATE, January 28, 1794.

SIR:—I do myself the honor of transmitting to the Senate, the translation of the French act of navigation. It has been executed by the best hand which could be procured; but it is possible, that the novelty of the subject, and certain technical phrases, may have produced inaccuracies.

I have the honor to be, &c. 

EDMUND RANDOLPH.

The Vice-President of the United States
and President of the Senate.

[TRANSLATION.—NATIONAL CONVENTION.]

Report upon the Navigation Act, made in the name of the Committee of Public Safety, by B. Barrère; with two Decrees, passed in the session of the 21st September, the 3d year of the French Republic, one and indivisible. Printed by order of the Convention, transmitted to the departments and to the armies, and translated into all languages.

CITIZENS:—It was on the 21st September, 1792, that the Convention proclaimed the liberty of France, or, rather, the liberty of Europe. It is on the same day, the 21st September, 1793, that the Convention should proclaim the liberty of commerce, or, rather, the liberty of the seas.

It is not sufficient for you to have founded the political republic—it remains for you to found the commercial republic. The English navigation act was formed in the midst of a monarchical revolution; it bears the impression of the despot who created it. The French navigation act will be decreed in the midst of a democratic revolution; it will bear the impression of liberty and equality, which produced it.

If the French nation had resolved to give itself a navigation act, or to destroy the treaty of commerce of 1787, England would have declared against her a terrible war.

England has put herself at the head of a coalition of tyrants, to destroy our liberty; and, from that moment, France has acquired the right of supporting, with her cannon and her bayonet, the abolition of the treaty of commerce, and the establishment of a navigation act.

These advantages are the first fruits of this war; the establishment of liberty, the prosperity of the republic, and the renunciation of commerce, will be the consequence of it.

The treaty of commerce being destroyed by a decree, will create an enormous barrier in the channel between France and Great Britain. Nothing then remains, but to knock down the intermediate obstacles created by England, between France and the other Powers.

The following are our means:

For a century and a half, a navigation act, bearing the stamp of the soul of the usurper, Cromwell, has established and secured the maritime tyranny and commercial prosperity of England.

For a century and a half, the famous British navigation act, founded without regard to the rights and interests of nations, offers a series of laws injurious and invasive of the property of every People.

The law writers of Europe had proclaimed this truth; the policy of France had not suspected it. The constitutionally, necessarily, more occupied in destroying than in creating, neither thought of the French republic, nor of the liberty of the seas. A ridiculous predilection for England, a ruinous and disgraceful commercial treaty, purchased from the ministers of Capet, had enslaved us. The political views of the cabinet of London, with regard to us, prevailed entirely in the workshops of manufacturers, and in the counting houses of merchants. In the commissions of the customs, the artists in metallurgy, the dealers in the colonial products, and the carriers of the East India stuffs—bodehl our real masters.

The corroding tide, that active school of our seamen, that second basis of our navigation, that source of riches to Holland, far from being inhibited to foreigners, as is the case in England, has been carried on by foreigners.

The navigation of the colonies, infinite in its detail, immense by the extent which it gives to our commerce—this navigation, equally interesting to the husbandman and the artist, the manufacturer and the seaman, the rich and the poor; the navigation of the colonies, which enlivens our seaports, and gives motion to all the works of industry, was participated in by foreigners, and we were calm spectators.

The national marine, which grows out of ship building and the fishery, has been destroyed by the decree regarding foreign vessels as merchandise, and allowing them to be purchased; it has been destroyed, by the discouragement of the fishery among us, and weakened for the want of succor, of premiums, and of the means which might triple our equipments for the fishery, and form of it a species of secondary agriculture, as more than 300 vessels might be employed each year, and replace the three millions of salted fish, which fraud, or foreign commerce, annually introduce into France.

Finally, foreigners, more especially the English, have made themselves masters of our navigation, with capitals known by the name of francisations simulées (operations consisting in covering with the French flag, and enriching with French premiums, the capitals and fortunes of the English) because we have neglected to establish, ourselves, the English law, which acknowledges and admits to the advantages of navigation, only vessels built and owned within the nation.

Let us, in fine, strike at the francisations simulées. We have laid an embargo on the English vessels found in our ports at the commencement of the war. Here is an embargo more just and more useful to the prosperity of France—it is the completion of the navigation act; it is the seizing of the benefit of the Republic, all vessels belonging to the English, under a French flag, that is to say, those which are purchased and built with English capitals, and with a view to deprive us of our premiums and of our duties, under the name of a French merchant, of a French owner.

Our cruisers are destined to attack the English flag on the seas, and yet our avarice lends the French flag to the navigation and commerce of England.

Despotism itself had felt this injury of our maritime commerce. It had prohibited it at several epochs; but those numerous laws were not executed, because they allowed no reward to the informer of these simulations of capitals. It is necessary to give to the informer a part of the value of the foreign capitals, employed in the francisations simulées in order to obtain success to this measure, and to carry into execution our prohibitory laws on this subject. This has been objected, as an immoral measure. No, there is no immorality in ruining those who abuse us, who ruin us, those who wish to tear from us our liberty, and to devour the fruits of our brilliant revolution.
The constituent assembly bequeathed to the first Legislature too long a project of a navigation act. This legacy could not be improved by a legislative assembly more occupied in demolishing the throne of the Capet family, than in attacking the sequestration of the property of the individual. It was time for the Legislature to have a regard to the welfare of the nation. We are, at length, at the period of being able to proclaim the liberty of the seas, after having proclaimed that of men, and of the country.

Already, on the 29th of last May, the committee of public safety, in their report, presented to you the necessity of a law punishing navigation, of reviving our commercial raging ship building, of increasing the fishery, of doubling our carrying trade, by destroying the intermediate freights, and the interference of all indirect navigation in the maritime transportation of the commodities we exchange with foreign nations.

This proposition was highly applauded. You were then sensible, that, after having formed the political constitution, and after having prepared the moral constitution, by public education, you should still form the maritime and commercial constitution by a navigation act.

The agents of the London and maritime community represented to you a project of it, through citizen Marce, the 3d of July last; it was scarcely discussed: an adjournment was the result of two discourses founded upon objections, of the frivolity of which the authors themselves have been sensible. It was feared, at that epoch, that the navigation act would injure the commercial relations with the neutral Powers, as if the time of war and of neutrality did not formerly exist; and had not, too often, by the exceptions of the one, and customs, of a sort of navigation act, by her rates of duties on merchandise imported into Sweden, in foreign vessels; as if the French act of navigation were not a new commercial army opposed to the commercial army of England, for the benefit of other navigation, especially of our enemies; and to the agitation of all nations, were the most powerful in the downfall of the Navigation act, and in the repression of the natural rights of commerce and navigation, by every People in Europe. Let us then this day proclaim a law, securing those equal rights on the seas to which the nations with whom we are at peace are entitled.

Americans, Swedes, Danes, Genoese, Venetians—all you who have had the wise and useful firmness of resisting the perfidious intimations, and the insolent threats of the English, and of our other enemies—you who have not wished to interrupt your commercial relations with a free People—receive this solemn act of French gratitude. Our enemies of Great Britain, we shall be no less firm, no less free, no less happy than you, our friends.

Here is the decree so much desired for the exclusion of intermediate navigators. This solemn navigation act is about being published in all the ports of France, and sent to the friendly or neutral Powers; and this act of commercial independence pronounced by the French republicans, shall neither be revoked nor destroyed by our posterity, if our will, in the present, next year, that consummation which has been wished on the summit of the national hall. This is saying enough on what shall be the duration of the navigation act.

Before you are presented with the rapid picture of the immense advantages of the navigation act, and its influence on the national prosperity, I shall dwell on the terrilile stroke it will give to the maritime empire usurped by Great Britain, and shall show you the terrible stroke it will give to its commerce, and the ruin of the mercantile establishments, its manufactures, at the same time that it will awaken other nations—call forth other Governments to repossess themselves of their advantages, and take again on the tempestuous element and of commerce, the incompressible rights of each genius, the compass, and their topographical situation have assigned them.

Legislators, this is not a reprisal, it is not a hostile measure, it is not an exercise of the right of war that I propose; it is a declaration of the rights of nations, it is the restitution of a natural inheritance, usurped by ambitious islanders.

Doubtless if it were necessary to have motives and considerations of a national kind to induce us to threaten against these usurpers of the seas, in order to punnish these shop-keepers of Europe, to ruin these gravers of subsoils, and to wither these dealers of Kings and royal constitutions, it would be sufficient for us to present to France, now free, the act of -our sentiments, in the solemn act which the members of the British cabinet; they are known. These are they—

Who has meditated the destruction of neutral navigation, which was always respected by the English Government?

Who has sent ambassadors to Genoa, to Venice, to Naples, to require, to command war against the French, to put a stop to all communication with her?

Who has insulted, infringed upon the flag of friendly nations, for the purpose of seizing the provisions destined for a People which they wished to starve, in order to enslave? It is the English Government.

Who has taken advantage of the smuggling of America, India, and Europe, for the purpose of treating the French, as in 1783 Lord Clive treated the East Indians, to reduce them to the most absurd tyranny?

Who has had the baseness to offer us bread with chains, subsistence with a King, the means of supporting life under a devouring constitution? It is the British Government.

Who has so wantonly and unnecessarily thrown our ports to offer provisions to the slaves who would accept the shameful condition of having a King, and who would also delase themselves so far as to receive an English, or Hanoverian King?

Who hasucht to attack Dunkirk, with all the most destructive inventions of war, in order to recall to our remembrance the English commissary, who under the dastardly monarchium prohibited us from laying one stone upon another, and for the purpose of obtaining the foot of usurpation on the continent of Europe?

Who has endeavored to sow division among the French, even among the patriots, with a cool and execrable calculation, by diffusing the ideas of contrario interests, to fill the family of the French ministers with a horrid uproar?

Who has disseminated in our cities, even in our popular societies, those political corruptors, or rather infamous agents of a still more infamous English ministry? The British Government.

Who has been in the bosom of the republic, a consuming wound, a second Vendée, a civil war nourished by secret agents, who in the midst of our departments calculated the expenses, the means, and the progress of it?

Who has set loose upon our country, plunderers, refractory priests, and emigrant traitors? Who has purchased with gold, a part of our garrisons, corrupted the citizens and the generals? Who has, by assignats and intrigues with servile foreigners, mixed up the bodies of those who repelled the invasions of English ships, and those of the scum of foreign countries, for the purpose of betraying our armed brothers, and of tarnishing if they had been able, the Parisian name, the first which has been written by the hand of liberty, in the sacred annals of the revolution?

Who has supplied the victors of the Vendée with muskets, powder, cannon on which are written the names of those mercenary tyrant, the English.

Who has bought over, and seduced the guardians of a seaport, belonging to the republic, and thrown into fanaticism the people of Toulon, in order to annihilate our marine, and to destroy the inhabitants of that beautiful city?

Who has purchased the scum, the bread of corrupteur gold, an opulent and industrious town, which they have instigated to rebellion, in order to force us to destroy with our own hands, this theatre of arts, and of the finest manufactures of Europe, and then to possess themselves of the trade of the silks of Piedmont, to ruin our industry, to invite our workmen over to them, and to rob us even of our genius for the manufacturing arts, to which Europe had become tributary?

Who have betrayed the interests of their own nation to make war on a People who would have gloried in their esteem, and a more intimate alliance with them? This crime was reserved for the British Government.

Who has, by the law of the union of France, the hatred of Kings, of the emigrants, of the nobles, and of the English, must consolidate the French constitution.

Let the spectacle of so many crimes rose Europe from her lethargy; let the Governments which are slaves to Europe, which are in need of a war, and let them at last perceive with their own eyes, the precipice, through which by that corrupting and corrupted Government, who buy and sell men, cities, and ports, as we traffic in vile cattle, who are stockholders of People, as the financiers of the Rue Vivienne are stockjobbers of paper; who sport with Governments as the negro merchant sports with the inhabitants of Guinea, and who would wish to traffic in the political constitutions of Europe, as they do in the merchandise extorted from India.
Let the nations of the North, above all, hearken to the voice of the National Convention of France.

For the sake of the secret of the English.

To annihilate the maritime Powers by the means of one another, the French navy by that of Spain, and then the

Foreign navy, when cut off from the assistance of that of France; Holland belongs to them, the Dutch are the slaves

of the marines. As to the marine of the North, the commercial vessels of the Northern nations, from Holland as far as

Switzerland, are those which are the means of the United States, and consequently it is

of importance to England, to have ports on each side of this strait. The atrocious audacity with which she has

seized vessels, belonging to the Northern Powers, must demonstrate to all nations, how much her designs augment

the power of the United States, and of the commercial, the marine, and the marine, of France.

Fremchmen, Europeans, neutral Powers, Northern Nations, you have all the same interest as ourselves, in the

salvation of France. Carthage agitated Italy, London agitates Europe; it is a wolf placed on the side of the contin-

tinent to devour it; it is a political excrecence which liberty has undertaken to destroy.

But we propose to you a grand commercial union, through the channel which is between Dunkirk and the English

coasts, and consequently it is

of importance to Germany, to have ports on each side of this strait. The atrocious audacity with which she has

seized vessels, belonging to the Northern Powers, must demonstrate to all nations, how much her designs augment

the power of the Northern States, and the commercial, the marine, and the marine, of France.

Let us then take a cursory view of the advantages which call for the promulgation of the navigation act. They are

to aggrandize our commercial system, less to repel the industry of England, than to substitute our own in its

stead. To repel our means of navigation, to create an astonishing marine; and to tell to every nation that they

should require.

The advantages of commerce, the advantage of the navigation act, would be incontestible, it is founded on the

rights of each nation; it is founded in your most evident and incontestable interest; it is founded upon the most

imperious duties of the National Convention, those of establishing the prosperity of France, and destroying the repub-

licans, or the commercial entities.

The advantages of commerce, the advantage of the navigation act, would be incontestible, it is founded on the

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imperious duties of the National Convention, those of establishing the prosperity of France, and destroying the repub-

licans, or the commercial entities.
In 1747, the Hollanders, entrusted with supplying the military marine of France, obliged to enter their ports all the vessels from the Baltic and the North, laden with such naval stores as they had agreed with the French minister to bring us. A war took place, and the Hollanders immediately forced into their ports the raw materials essential to the maintenance of our marine and the institute of shipping. Will you, then, always depend on foreigners, on their avaricious and political speculations?

Purchasing foreign vessels, is paying an enormous impost to foreigners; is proscribing our ship yards, ruining our workmen. Let your ports be free; let the ships that produce those materials be ours; let us go for them; this would secure to us every species of naval wealth.

Behold the production of a navigation act!

To purchase foreign vessels, is exposing ourselves to have a bad marine, of little solidity, ill constructed, and of too short a duration, distressed by expenses, by attacks of our enemies. To form our marine, is to create an owner interested in its duration. This is the effect of a navigation act.

To carry on, ourselves, our carrying trade, is to concert within ourselves its advantages, is to employ national transports, to be the first formers. Behold the production of a navigation act!

To carry on ourselves, our navigation, is to acquire in itself its advantages, is to employ national vessels, to be the first purchasers. Behold the production of a navigation act!

To make a navigation act, is to favor our India commerce, is to augments that of the North, to reanimate that with the Isle of France, to augment our relations with the States of America, to prepare the means of prosperity for the south of France; a purchase of pines, is missed by us for this reason, and by treaties unheard of in the history of Frenchmen. It is to recover the commerce of the Baltic, and bring us and our natural friends together; to form the most robust and valuable seamen; to impoverish the English and Dutch navigation; to possess our own rights; to have a legitimate share in the inheritance of the world with all nations; to knock down the barriers which divide ourselves and our allies from our enemies, and guard against the enemies from their privileged situation on the seas; to prohibit them from being the vehicles and the carriers of the French republic. Every vessel which the navigation act shall produce, will be as it were a firebrand to a vessel from London. And you must consider that naval victory can equal such a kind of success! And should Turkey be for any time in the power of the sultan of Lorraine and Poland: shall our fine squadron of the Mediterranean purchased for English gold, lost or annihilated for us; in five years the act of navigation will compensate that loss. Would you have an idea of the interest which England has in her navigation act? By this the great lose Jamaica, than revoke her act of navigation.

What reason have you, therefore, in being backward with the secret authors of the infamous treaty of Plenitz? Why have you delicacy with the corruptors of your fellow citizens, the destroyers of Lyons, the persecutors of Dunkirk, the purchasers of Toulon, the perverse founders of the new anglo-machiavelism? Why have you been lukewarm to the enemies of human nature and of its rights? Their navigation act excludes you from their ports; but this is not all. The excessive duties the English receive from our vessels, interdicts our access to them; never the river Thames is aviricious and devouring only with regard to us; the light house duties absorb one portion of English vessels, and those duties, in the strict economy and the interest of their money, enable them to navigate at a less expense; we can rival them in our marine, neither at home nor abroad, otherwise than by a navigation act.

Who can hereafter arrest the destiny of the commerce and marine of France? The marine has experienced losses; they must be repaired. It has had to struggle with pride and distinction; we must liberate it from those shackles. It is still commanded by men of a caste justly proscribed; we must rescue it from these scourges of the liberty of nations; we must also dismiss all the suspected officers remaining in its bosom.

Commerce has had errors and crimes to repair; it became subservient to counter revolutionary and federal views; from interest, from ignorance, or egotism. It became anti-revolutionary and federal, because it is divested of political views, and rarely sees itself in futurity; because the revolution which it has forced, specified in, and calculated upon, did not produce, at this epoch, as much profit as it had made in the first periods of it. But commerce will at last be again a national right; it has also, in its consideration of the enemy, not been in order. Liberty is not calculated at five per cent., and that a democracy was always more favorable than a monarchical government, to commercial prosperity, to the welfare of merchants, and to the equality of all, which, till now, have been valued only by them. Commerce will perceive, that monarchies were always avaricious, insolent, proud, and mature, but that republics are equal, and always fair, and are the form of the people, and economy.

Should it be objected, that this act will be in opposition to our treaties of commerce with friendly and neutral nations—the first article of the project proposed, religiously maintains all the treaties; besides, none of the treaties and commercial acts have been inserted in the project, but they have been treated as the objections of the majority, and of those who are ignorant in political economy. Besides, those laws which rest on the faith of nations, will be always scrupulously respected by the French republic, and we do not seek, by the act of navigation, but to strengthen the ties of nations, but to restore the direct commercial intercourse with them, which the covetous English have divested us of.

What obstacle remains to be vanquished? the tyrant of the seas? But he has employed against us all his strength, and the English have cowardly fled at the approach of the French bayonets.

France, was he the corruptor of Toulon? But the conquest which is made by the agency of crimes and treason, is not of long duration. The English fleet would have been repulsed, if the fanaticism of the priests, the credulity of the people, the floods of British gold, and the traitorous conduct of Paissand, and of Trogolf, had not given up to the lastly and vile English, the key of the Mediterranean.

But, one would have supposed, that English blood and treasure would have been employed only in the progress of philosophy and of liberty; but it was difficult for this Government, which has paid, by the loss of morals, for the dangerous advantage of being the depository of the gold of the world, not to deliver itself to a magnificent project, to the astonishment of the world, by giving it the totality of its treasure. Has it not lost the seas? Has it not been deprived of the commerce which makes the marine effective, its being a necessary condition, of the resources of the colonies, and without marine? The league directed against France, by the despot, accomplices of George, is composed of territorial and maritime Powers. As to the territorial Powers, who have not the same interest as the others, let us lay aside the fear of those who put their hearts in the course of the seas, and before long, will be divided by the result of their monstrous union; let us oppose them to the law for the freedom of the seas; let us oppose the iron of our pikes to their guineas, our bayonets to their phalanxes, our gunners to their cavalry, and navigation act to navigation act. Let other nations follow our example let other nations completely repair their marine, and then they will realize a national advantage, which is more dear than a monarchical crown, that has too long usurped. The vizier of George has dared to declare, a few days ago, in dictating laws to neutral nations, and clamping to restrain the rights and forms of their neutrality: "France," said he, "is to be separated from the commercial world, and treated as though she had but a single city, but a single port, and as if that place was blocked by sea and by land."

France blocked! This spoke of Rome, before their just destruction, those men of punic faith, the ambitious and mercantile Cartaginians. France blocked! Nay, if it were possible to reduce her to the confined limit of a
single port, of a single garrisoned city, the French nation would then sally out of its limits by a bridge from Calais to Dover, and landing with its liberty on the British territory, too long circumscribed by our spots, the heads of George and the heads of the Englishmen, which themselves worthy of liberty; and the English island would raise, at our side, another republic, or become a desert.

But, in order to construct this bridge, which is to establish our revolutionary communications with this modern Carthage, who, after having drained India of its treasures at her pleasure to give constitutions to Europe, let us decree a double indemnity, and the whole island will be ours.

It is always said, that the English are the masters of the sea but the Spaniards were the gods of the ocean under Philip II, as the English are the tyrants under George III.

The Spaniards overthrew with the gold of Mexico and the silver of Peru, as the English are covered with the wealth of India and the treasures of the world.

Then the Spanish flag was the only one known at sea, as that of the English is the only one now seen on the ocean. However, the invincible fleet of Philip was conquer'd; his Armada, so much celebrated, was defeated; and the Spaniards have been to the seas, and the people of Peru, are no longer any thing more than the watermen of the former, and the exploring workmen of the latter.

Let Frenchmen, so intensely engaged in the revolution, pause a moment in order to contemplate its majestic and amazing progress, and then they will be as conscious of their strength as they are of their rights. Let them be for a moment-spectators: What will they see? The genius of liberty, creating, amidst the most prodigious events, a still greater prodigy, a democracy of twenty-five millions of souls, a republic of thirty thousand square leagues, boldly establishing herself upon the wrecks of a conspirator's throne, upon the ruins of a nobility as pernicious as arrogant, upon the domains of a clergy as opulent as useless, upon the judicious corps as ruinous as impolitic, upon the feudal system as absurd as inveterate, upon the titles as ridiculous as fallacious. What will they see? A free people, establishing a republican government for themselves, and establishing it by common consent; punishing at the same time the treasons of their kings, their legislators, their generals, the emigrants, and their ministers of religion, that were to make a civil war in the bosom of the State, at the same time that they were employed in extinguishing the fire-brands cast on all sides by their domestic enemies; obliged to bombard their rebel towns, and to punish the desertion of their soldiers; obliged to re-conquer for liberty their maritime and commercial cities; to depopulate, to reduce to ashes, fanatical directories, and the scions of the castles of the courts of princes, the public population; cut off the slavish and suspected part, in order that the free and energetic may defend their fire sides; forced to supply with provisions the principal city, the seat of the representatives, as a garrison is supplied, by requisitions; a people at the same time struggling against military Europe, and against the French federalists, against the counter-revolutionary confederates and against all the learned tyrants, that prepare preparations for sieges, bombardments, and plots, calculated to add lamine to all the scourges of war; this people at the same time covering all the frontiers with cannon, and soldiers, and in a word realising the expression of Pompey: By a stroke of the foot causing the earth to fly forth armed plagues.

And such is the nation that isolated merchants too long tolerated on the side of a continent which they corrupt and oppress, have hoped to reduce to a state of submission or to royalism! Let them tremble to found the treasures of their counting houses and their workshops, when the other nations of Europe, awakened even by the clanger of their colonies, shall at last perceive that Europe was entirely free at the moment in which the influence of England shall be weakened or annihilated, her policy rendered impotent, her Indian commerce diminished, and her roll reduced to that of a factor and maritime contractor.

Now you commercial and maritime cities, as populous as populous towns which have eclipsed the renown of the so-called cities of commerce before you, before the revolutionary tribunal of the public opinion. You have falsify'd your commercial avocation, and the representatives of the people are occupied in enriching you alone, or in repairing the injuries you have done us. You have been the enemies of the republic, and the republican answers you with benefits, with a navigation act, which will amend your errors and your crimes, while in time, a decree already projected, is about opening, in all the departments, canals for interior navigation, and proscribing all gowgaws, all the miserable wants of luxury, all merchandise manufactured by our irreconcilable enemies, the English. Let us have sufficient strength of mind, of patriotism, to become ourselves, by our own consumption, the first benefactors of the national manufacturers; let us multiply, let us bring our fabrics to such perfection as to render the wants of other nations tributary to us; let us multiply them in order to diminish those of Batavia, and of Boston. Such ought to be the result of the navigation act, until that desirable epoch, when all the other European nations, having also the same principle of the rights of commerce, shall have a taste for the navigation act and for the navigation laws, and to commerce that latitude and liberty which nature, the true policy of empires and justice, assigned to them.

Let Carthage be destroyed! Thus did Cato conclude all his speeches in the Roman Senate.

Let England be ruined, annihilated! This should be the concluding article of every revolutionary decree of the National convention of France.

The following are the projects of decrees which the committee of public safety present to you.

DEGREE OF A NAVIGATION ACT.

The National Convention, after having heard the report of the committee of public safety, decree:

ARTICLE I. That the treaties of commerce and navigation existing between France and the Powers with whom she is at peace, shall be executed according to their form and tenor, without derogating therefrom by the present decree.

ARTICLE II. That, after the first of January, 1794, no vessel shall be reputed French, nor have a right to the privileges of a French vessel, unless she shall have been constructed in France, or in the colonies and other possessions of France, or to the colonies and possessions of France, except directly by French vessels, or vessels belonging to the inhabitants of the country of which they are the growth, produce, or manufacture, or of the ordinary ports of sale and first exportation; the officers and three-fourths of the crews of such foreign vessels being of the country under whose flag the vessel is registered, and the officers and two-thirds of the crews of such foreign vessels, in the third and fourths, jointly and severally, against the owners, consignees, and agents, of the vessel and cargo, captain and lieutenant.

ARTICLE IV. That foreign vessels shall not transport, from one French port to another French port, any commodities, productions, or merchandise, of the growth, production, or manufacture, of France, the colonies or possessions of France, or of any of the islands of the West Indies, to the effect of the vessel is registered, and the officers and two-thirds of the crews of such foreign vessels, in the third and fourths, jointly and severally, against the owners, consignees, and agents, of the vessel and cargo, captain and lieutenant.

ARTICLE V. That the tariff of the national custom houses shall be reformed and combined with the act of navigation, and the decree which abolishes the duties between France and the colonies.

The sea is a level plain, and without delimitation in all the ports and commercial cities of the republic, and notified by the minister of foreign affairs to the nations with whom the French nation is at peace.
FRANCE.

DECREES RELATIVE TO THE LICENCES OF VESSELS UNDER THE FRENCH FLAG.

The National Convention, after having heard the report of the committee of public security, decree:

ARTICLE I. That the licences of vessels under the French flag shall be, in three days, reckoning from the publication of the present decree, for those which shall be in the ports, and in eight days from the arrival of those which shall be shipped or registered in the port of the foreign country they shall be going to or from, suspended, unless the engagement of the master of the vessel that no foreigner is interested therein, directly or indirectly; and that her last cargo, arrived from the colonies or French settlements, or her present outward bound cargo for the colonies or French settlements, is not an armament on commission, nor foreign property.

10th July, 1794.  

If, as is too often the case, the name of the vessel, if the owner does not reside in the port in which the vessel lies, the consignee and the captain shall give security conjointly and individually, to report, as soon as may be, the proofs of ownership, and a declaration attested and signed by the true proprietor of the vessel and cargo.

ARTICLE III. That, if the property of the vessel, and also that of the cargo, which is reserved for the commerce between France, her colonies, or her French settlements, is not proved to be French by title and under oath, the vessel and cargo shall be seized, confiscated, and sold, and one half of the produce given to the informer.

Report on a project of an act of navigation of the French republic, presented to the National Convention the 3d of July, 1793, in the name of the Committees of Marine, of Commerce, and of Public Safety, by Peter Marce, Deputy from Finistère, printed by order of the National Convention.

Crimeans, and Bosphorus.

You have referred to your diplomatic committees of marine and commerce united, the proposition made in your body, the 20th of May fast, to present to you, without delay, a project of an act of navigation.

This object, so worthy of the meditation of a republicean legislator, has not been overlooked by your committee of public security. In the report they made on the 29th of May, they agree with the states general, that the advantage which would result to her from a measure, which has been adopted by England a century and a half ago, has been the most fruitful source of the prosperity of that rival power. But in a question of this nature, general considerations and observations hastily made, are insufficient to impel a nation to action on every subject.

Your marine committee has been employed in collecting such ideas and elements as might completely enlighten you on the importance of a navigation act, and finally determine you to establish, at the side of the political constitution of the empire, this first basis of her commercial constitution. They could not unite, according to your views, with these common counsels in all which has been said since the suppression of the committee of general defense; but they have concurred with those of commerce and public safety, and it is in the name of these three committees that I come to present to you the result of their deliberations.

The principal end of the navigation act which we propose, is to destroy the interposition of all indirect navigation, in the maritime transportation of our articles of exchange with foreign nations, and in fine to put a stop to that intermediate carrying trade, so prejudicial to our commerce and marine, which hitherto has rendered us benevolent tributaries of all the maritime Powers of Europe. This act has also for its object, to reserve to the national vessels the exclusive privilege of transporting the same articles of exchange from one port of the republic to another.

This double prohibition is doubtless contrary to the principles of an indefinite commercial freedom; but such freedom, perhaps, would not agree with the system of an universal republic; and it is conceived that the republic of the human race will still more difficult to realize than that of Plato. It is then our wisdom not to allow ourselves to be dazzled by the brilliant imaginations of political writers, and who warp the light of reason and experience in their specious arguments and pompous theories. It is from the example of the great nations who surround us, from that nation especially, who first knew how to apply to her navigation prohibitory regulations; it is from that source we ought to derive that conduct, if we have at heart the true prosperity of our country.

France, taken in a commercial point of view, is the richest entrepot of the universe; she is also the market which offers the most consumers and vent for the industry of other nations. Whence does it happen that, with so many resources of territory, of commerce, of productions, and of manufactures, with the habit of consuming such great quantities of the commodities, productions, and manufactures of foreigners, her navigation has hitherto been so languishing, her commercial marine so pitiful, so altogether destitute of the advantages which are its inherent right? Whence does it happen that the flag of her most formidable enemies has almost exclusively enclosed, with the exception of a few merce of navigation, the colonies, the stamps, and other productions, of triumphant and frivolous policy, knew not how to produce, or did not dare to borrow, from a great nation, proud of its wealth and of its credit, this valuable system, which has contributed more to the power of that nation, than all the victories of its arms.

In a word, it is time that the French nation should know all her advantages, and how to profit of them. It is time for her to repair all the injury she has sustained, in this respect, through the ignorance or criminal indifference of an oppressive Government, more careful of preserving, at any price, its despotic authority, more occupied in directing the intrigues or fiscal operations, more intent on maintaining the false splendor of a throne at the expense of the true interests of the people, than attentive to render productive, by every means in its power, their agriculture, their commerce, and their industry.

Doubtless there never was a more favorable occasion for procuring to our country the benefit of a navigation act. Numerous republican armies, familiarized with victory, being now fighting for her independence and her liberty, against the very Powers who are most interested in preventing us from enjoying such an act. Before the war, it might have been sufficient for us to have made such an act merely with regard to England; such was the effect on Holland, when Oliver Cromwell, in 1651, had a decree passed by the British Parliament.

At that epoch, according to the inquiries of one of our countrymen, the best informed of the present day, in the knowledge of our true commercial and political interests, (citizen Ducher*) the maritime commerce of the English did not consist of more than 60,000,000 de thalers; in 1789, it rose more than 800,000,000.

Again, at that epoch, according to the interesting report presented to the constituent assembly, on this subject, by citizen D'Albret, ** one half of the navigation of England was carried on by foreigners. England has imperceptibly relaunched her rights; towards the year of 1700, foreigners possessed no more than the fifth part of this navigation; in 1725, the less than the ninth, in 1759, a little more than a tenth, and in 1791, they possessed only the fourteenth part of it.

Our navigation, a year ago, was, in regard to foreign nations, still more unfavorable than the English navigation of 1791. But we, in a considerable measure, by exacting calculations which were laid before you on this subject, in the month of December last, by the ex-minister of the home department, in the table containing the amount of the exterior commerce of the republic of France.

*If the Convention pass the present project of a navigation act into a decree, the country will be under obligations to citizen Ducher, who, for upwards of two years past, has endeavored to obtain the adoption of this plan with indefatigable perseverance, as well in committees of the National Assembly, as by the publication of his writings. This is an act of justice which it affords me pleasure publicly to render to that excellent citizen.—Note by M. Marce.  

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The maritime transaction of our exchange, with the Europeans, the Levant, the Barbary States, and the Anglo-Americans, estimating on a mean year, from 1787 to 1789, inclusive, has employed in the whole, 16,325 vessels, measuring 1,184,170 tons, which, taking one with another, at 36 lives the ton, would produce 42,030,120 lives of freight.

There have been employed in this transportation, during the same period, only 3,763 French vessels, measuring, in the whole, 293,221 tons, making, at the same rate, 10,988,516 lives of freight.

In the three years, French flag has appeared to come in for only a little more than two-tenths, whilst the English flag has participated therein to the amount of four-tenths, and that of other nations in the remaining four-tenths.

In the first six months of 1795, in near six thousand vessels, measuring 500,000 tons, which have been, in the navigation, in commerce, and exportation to the Levant and Constantinople, and exporting goods to the amount of six-tenths of the total mass, whilst the vessels of England and Holland, and the Hanseatic Towns, had four-tenths, and the vessels of other nations the remaining three-tenths.

The view of navigation under another aspect, that of our direct relations with each of the European States, of the Levant, Barbary, or North America, therein will be seen, that, during the same time, (taking the mean year of 1787 and 1789 inclusively) there have been mixed in the maritime transaction of our exchanges; with Spain, one hundred and ninety-nine vessels other than French or Spanish, deduction being made of the foreign vessels who might also have been engaged in this carrier, and engaged on ships under the flag of other nations, the remaining three-tenths.

With the republic of Genoa, 261 similar vessels. With Holland, 353 similar vessels. In a word, with all the States of which I have spoken, 3,568 vessels, employed in indirect commerce, and whose tonnage amounts to 230,500 tons which, valued at thirty-six lives per ton of freight, one with another, amount to 8,301,500 lives, carried off with impunity, in one year, from our carrying trade, merely from the want of a navigation act in France, without counting upon the considerable advantages which would otherwise result from it, for her industry and commerce, for ship building in her ports, and for the employment of the whole, or even the half of these 3,568 intermediate vessels.

It must then appear plainly to the conviction of every person, that nothing would contribute more to the prosperity of our navigation, and consequently to every branch of our commerce and industry, than the adoption of an act, which, by severely excluding all foreigners who hitherto have forcibly taken from our fellow-citizens the richest portion of our commerce, would expel, of their patrimony, would in the same proportion increase the amount of their direct relations with foreign nations.

Let us hasten, then, citizens, to restore to our country all her rights, by adopting, in this respect, a grand system, which has been well done for by our ancestors.

If, at the epoch at which I now speak, our navigation is proportionally more languishing than that of England, when the genius of Cromwell gave her that so renowned act, let us hope that, by consecrating it in our maritime legislation, our navigation will in a short time acquire the same degree of splendor as that of our rivals.

With more than half a hundred leagues of land and sea, and the oceans that separate the independent nations of the Mediterranean, with ports as secure, as extensive, and commodious, with an infinite number of havens, of dock yards, of manufactures of every kind, with an immense number, as enterprise as industrious, with incalculable territorial riches, and a mass of colonies, as superior to all of them the Powers of Europe united, and absolute, with a free and republican constitution, let us hope that France, freed from the yoke of the feudal system, and that of the fiscal, inseparably connected with it; delivered from her kings, her nobles, her priests gave rise to the happy condition of depending on those laws only, which are made by herself, and not obliged to receive them from any Power whatever. I say, with the system, in such a state of things, France, with an act of navigation, would behold the rapid evolvement of all the seeds of public and private prosperity which she contains in her bosom. Let us also hope that the decree you are about to pass will prove more efficacious for your obtaining a peace with the hitherto enemies of France, than if they were to lose one hundred of their best vessels; and as to those, who at this moment preserve a circumspect neutrality towards you, be persuaded that the inevitable effect of your navigation act will be the attaching of them to you by indissoluble ties. All will be eager to seek an alliance with that European Power, from whom you will derive most benefit, by the suppression of indirect navigation, and the immensity of its consumers. Every one, from the moment of the promulgation of your decree, will pray, and perhaps make use of secret efforts for procuring you an advantageous peace, which, doubtless, at present, they have some interest in preventing; and besides, your independence, your political liberty, the establishment of your republican constitution, will be to them, as much as to yourselves, a subject of triumph and general victory.

The navigation act, as I have already said, is the basis of the commercial constitution of the republic; or rather, it is in this respect, a true constitutional act. All the other laws upon maritime navigation, should only be viewed as corollaries of this act, provisions as to the manner of its execution; in a word, merely regulating laws.

The act being in my opinion the most absolutely necessary to be enjoined upon you by your constituents, in order to the tonnage of vessels, upon the means of multiplying ship building, and of bringing them to more perfection; upon the forms of licences and passports; upon the means of discovering and preventing francisations, simulacres &c. and above all, upon a better tariff of rates of navigation, without which, the constitutional act, in this respect, cannot have the effect which was intended to be expected from it.

Your committee will now confine itself to laying before you the project of that act. By prohibiting all intermediate navigation between you and each foreign nation, it extends this prohibition, not only to the transportation of the commodities, merchandise, or productions imported, of their growth, production, or manufactures, but also to the transportation of those imported from the ordinary ports of sale, and of the first exportation. It is necessary that such a prohibition should be as extensive as it could be made, without which an act of navigation would become a null or illusory measure. The English, from whom we borrow this system, have given it that extension; and, indeed, they are so appalled for it.

The necessity of determining the requisite qualities for enjoying the privileges of a French vessel, is, that, for the exclusive admission to carry on our direct navigation, in concurrence with the vessels of the people, from whose country the respective goods are brought, there be the condition of all indirect navigation. The project of the act regulates these qualities; it also determines the only evidence by which we could know the vessels of the nation with whom we may trade; and it is easily perceived, that, if we did not impose, in this respect, those conditions which are most conformable to our interest, every ship, called a vessel, would be a vessel; and the means for abolishing indirect navigation. Besides, these conditions have a tendency to favor the direct navigation and commerce of such nation. By them it is put in the happy necessity, of multiplying, by every means, its ship building, nautics, and maritime population; and if, in the meanwhile, its own vessels and mariners are insufficient for the exportation of its commodities and merchandizes, then it belongs to us alone to supply that deficiency, and our navigation would then receive a further increase from this source, and our commerce an additional degree of prosperity.

In the first place, concours, citizens, to induce you to adopt the project of this navigation act, which would be calculated to present to the nation a thing, who are about to enjoy a constitution, that is the only way to have solemnly recognized the sacred rights of man and of citizen, and founded the freest constitution under the globe.

If all nations ought to recognise the equality, the liberty of nature, and the safety of the community, in the possession of all external dependence, to recognize the maritime rights of property in the dispositions of our navigation act. Would to heaven that all had the courage or the wisdom to follow our example. Then there would be no exclusive privilege between one nation and another; and were the act of navigation adopted, the maritime rights of nature, and the rights of the commonwealth would be recognized by the maritime nations of the globe; it would in some degree realize the whole of the commerce of the world, and without doubt is the first element of commerce, which at present in particular, is not suitable to the interests of any commercial nation.
With so many powerful inducements to decree an act of navigation, you doubtless will not, in the existing circumstances, be withheld by the apprehension that such a disposition would injure the obtaining of supplies for the republic which they are obliged to draw forth from foreigners. It is an acknowledged principle with the English themselves, and constantly practised among them, that, in time of war, neutral vessels are excepted, of right, from the dispositions of the navigation act. This act, therefore, will not add to those restrictions which the maritime war at present imposes on the maritime transportation of our exchanges or of our supplies; and neutral vessels will continue to bring us every thing which we dare not confide to our own.

Neither will you be deterred by an apprehension of injuring the personal interests of some hundreds of cosmopolite capitalists, of selfish commissioners, for whom the want of a navigation act in France, has been the principal, the most fruitful source of their colonial fortunes. The general interest of the country, that of her laborers, of her manufacturers, of her artists, of her seamen, her merchants, and all her sons culpable, to whom you will assure employment and bread—these reasons should determine you; these reasons should influence you exclusively in your deliberations. All will bless you; all will look upon the act of navigation as one of the most precious gifts you could bestow on your countrymen, next to the constitutional charter which you have just digested. When Oliver Cromwell had, through the medium of his parliament, established a navigation act, all the ports of England, manifested, by illuminations, the joy which that memorable act gave them; and the English people forgot for a moment, that they received this gift from the hand of a tyrant. How great, then, ought the transports of our fellow citizens to be, when they receive your decree from the same hands which have given them the declaration of rights and the French constitution!

May France be enabled, in the end, therefore, to boast also of having a navigation act; may it henceforward be the basis of her policy, as it is about being that of her commerce. May she soon become more rich, more flourishing, more happy, than she has been under the most brilliant reign of her despot, and never treat with foreign Powers, without her constitution in one land, and her navigation act in the other; and astonished Europe will doubtless see her merchants become, one day, her only ambassadors, like those of London and Amsterdam formerly, negotiating at foreign courts the most important interests of their country; and, after having weighed the destinies of the two worlds, and secured the prosperity and glory of their country, reassuming the peaceable pursuits of commerce.

The following is the project of the decree.

ACT OF NAVIGATION OF THE FRENCH REPUBLIC.

The National Convention, after having heard the report of their committees of marine, of commerce, and of public safety, considering that the French nation has the incontestable right of securing, by every method, the prosperity of her agriculture, commerce, and industry; that nothing has a more direct tendency to this end, than a navigation act; and that, in the solemn declaration of this act, she only makes use of the same right which she acknowledges to belong to all other nations, decrees as follows:

ART. I. That no foreign commodities, productions, or merchandises, shall be imported but directly by French vessels, or those belonging to the inhabitants of the country of which they are the growth, produce, or manufacture, or to the inhabitants of the country of the ordinary ports of sale and first exportation; the officers and three-fourths of the crew of a foreign vessel, being of the country whose flag the vessel bears; the whole, on pain of confiscation of the vessel and cargo, and a fine of three thousand livres, jointly and severally against the owners, consignees, and agents, of the vessel and cargo, the captain and lieutenant of the vessel.

ART. II. That foreign vessels shall not transport, from one French port to another French port, any commodities, productions, or merchandises, of the growth, produce, or manufacture, of France, the colonies or possessions of France, under the penalties declared in article 1st.

ART. III. That, after the 10th of August next, no vessel shall be reputed French, nor enjoy the privileges of a French vessel, unless such vessel shall have been built in the colonies or possessions of France, or declared a good prize taken from an enemy, or confiscated for contravention of the laws of France, and unless the officers and three-fourths of the crew are Frenchmen.

3d Congress. No. 79. [1st Session.

FRANCE.

Message from the President of the United States, communicating certain letters from the Minister Plenipotentiary from the French republic.

Gentlemen of the Senate and of the House of Representatives:

I transmit to you certain letters from the minister plenipotentiary of the French republic to the Secretary of State, enclosing dispatches from the general and extraordinary commission of Guadeloupe.

GÉO. WASHINGTON.

Le Ministre Plénipotentiaire de la republique Française, à Monsieur Randolph, Secrétaire d'Etat des Etats Unis.

Philadelphie, le 11° du 5° mois,

Nécès l'aus second de la republique Française, une et indivisible.

Monsieur:

La commission générale et extraordinaire de la Guadeloupe, m'a invité à remettre au Gouvernement Federal la dépêche ci jointe, dont elle m'a envoyé copie, je m'empresse de vous la faire parvenir.

J'y joint une copie de la dépêche que ce même corps colonial m'a écrite. Vous verrez, monsieur, dans l'une et dans l'autre, l'expression de l'amitié et de l'amour, dont je vous ai toujours donné les assurances les plus vraies, au nom de la totalité de la nation Française; vous y verrez aussi ce que l'on attendait des Etats Unis dans cette isle.

Je m'étais décidé, depuis l'assemblée du corps législatif, à attender dans le silence le dénouement de toutes les questions que j'ai eu l'occasion de discuter avec monsieur votre prédécesseur; cependant les événements ne l'ont pas surpris dans ce moment sans vous y prêter de remettre sous les yeux de monsieur le Président des Etats Unis, la situation critique ou sont les îles du Vent, les seules ressources aujourd'hui du commerce de notre république, à la veille d'une attaque de l'Angleterre, et manquant de munitions de guerre et de bouche. Un incident m'a mis entre les mains quelques moyens de remplir sur le champ les besoins de la plus grande, urgence, est sans cet incident, monsieur, nos colonies allaient manquer de tout. Ces moyens sont bornés; et bienfôt les embarras renaîtront si le Congrès ne décide pas finalement sur le mode de remboursement que je suis chargé de proposer aux Etats Unis.

Agréz mon respect.

GENET.
The Minister Plenipotentiary of the republic of France to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 11th of the 5th month, November, 3d year of the French republic, one and indivisible.

SIR: The General and Extraordinary Commission of Guadaloupe having requested me to transmit to the Federal Government the enclosed despatch, of which they have sent me a copy, I hasten to communicate it to you.

I also enclose a copy of the despatch which this same colonial body wrote to me. You will see, sir, in both, the expression of friendship and union of which I have always given you the truest assurances, in the name of the whole French nation; you will likewise see therein what is expected of the United States in that island.

I had determined, since the meeting of the legislative body, to wait in silence the unravelling of all the questions which I have had occasion to discuss with your predecessor. However, I shall not let this moment escape without requesting you to lay before the President of the United States the present critical situation of the Windward Islands, now the only resources of the commerce of our republic, on the point of being attacked by England, and without warlike stores and provisions. Accident has put in their power some means of supplying immediately their most urgent wants; and had it not been for this, sir, our colonies would have been destitute of every thing. These means are limited; and the embarrassments will return, if Congress do not decide definitively on the mode of reimbursement which I am instructed to propose to the United States.

Accept my respect.

GENET.

La Commission Générale et Extraordinaire de la Guadeloupe, au Ministre de la république près des Etats Unis.

BASSETERRE, le 6 Brutaire, 1793, l'an 2e de la république Française.

CITIZEN: La colonie de la Guadeloupe déclarée depuis six mois de ses tyrans, est restée presque seule au milieu des Antilles, à l'abri des grands malheurs irréparables des révolutions et des attaques ouvertes des ennemis du dehors. Vous savez combien cette ile fertile doit être précieuse pour la métropole dans l'heureuse situation où elle se trouve encore; mais l'orage grande autour d'elle, et la gloire de la sauver semble vous être réservée. Ami de la révolution, et ministre de la république auprès d'un peuple magnanime dont la liberté fut cimentée du sang Français, nous devons tout attendre de votre influence sur les magistrats des Etats Unis. Lein de nous l'île de les entraîner audelà de la ligne de leur bonheur. Nous ne voulons pas acheter sûreté au dépens du repos de nos frères d'Amérique. Nous ne réclamons que les droits que nous croyons avoir à leur reconnaissance, et les secours qu'ils pourront nous donner sans nuire à leurs propres intérêts. Puissait il s'accorder avec les vœux de nos cœurs, sentir qu'il n'en est que de plus grand, que de resserrer plus que jamais les liens qui unissent la Nouvelle Angleterre à la France. Pour nous, nous ne cesserons jamais de les regarder comme les vrais alliés de notre nation, et ils trouveront toujours dans les colons de l'Amérique des frères, prêts à voler à leur secours, si jamais ils avaient encore besoin de nous.

Salut Citoyen.

La commission générale et extraordinaire de la Guadeloupe.

Signé.

LACHARRIERE, Président.
KAIO, Secrétaire.
POHL, Secrétaire.

Certifié conforme.

GENET.

The General and Extraordinary Commission of Guadeloupe to the Minister of the republic to the United States.

CITIZEN: The colony of Guadaloupe, relieved for six months past from its tyrants, remains almost the only one in the midst of the Antilles which has been protected from the irreparable misfortunes of revolutions, and the open attack of enemies from without. You perceive how precious this fertile island ought to be to the metropolis, from its present happy situation. But the storm lowers upon it, and the glory of saving it seems to be reserved to you. From you, who are a friend of the revolution, and the minister of the republic to a magnanimous People, whose liberty has been cemented by French blood, we may expect every thing, through your influence on the magistrates of the United States. Far be it from us to draw them beyond the line of their happiness. We would not purchase safety at the expense of the repose of our American brethren. We claim nothing but the rights which we believe we have upon their gratitude, and the succors which they can afford us, without injuring their own interests. May they, uniting in the wishes of our hearts, feel the strongest zeal to draw closer than ever the bands which connect New England to France. As for ourselves, we shall never cease to regard them as the true allies of our nation; and they will always find the colonists of America to be their brothers, and ready to fly to their aid, if they should stand in need of us. Health to you, citizen.

The General and Extraordinary Commission of Guadeloupe.

BASSETERRE, November 6, 1793, in the 3d year of the French republic.

A true copy:

GENET.

E. Randolph, Esq. to M. Genet.

PHILADELPHIA, February 3, 1794.

SIR: It is unprecedented, that the Executive of the United States should transmit to Congress a paper, the contents of which are not open to his perusal. The letter addressed to that body, and superscribed as coming from the General and Extraordinary Commission of Guadaloupe, being sealed, I do myself the honor of requesting a copy of it; and, in the mean time, I shall direct the other papers to be translated.

I have the honor, &c.

EDM. RANDOLPH.

The Minister Plenipotentiary of the republic of France.
Le Citoyen Genet, Ministre Plénipotentiaire de la republique Françoise prés des Etats Unis de l'Amérique, à Mon- sieur Randolph, Secrétaire d'Etat.

PHILADELPHIE, le 15ème jour de Ventose, de la 2ème année de la republique Françoise, une et indivisible. (4 Février, 1794, ci-devant style.)

MONSIEUR:
Vous trouverez sous ce pli la copie que vous desirez de la lettre que la commission générale et extraor- dinaire de la Guadeloupe m'a proposée de faire paraître aux représentants du peuple Américain.

Je me suis prêté avec plaisir à cette démarche, parcequ'il m'a semblé que, dans les circonstances présentes, tout ce qui pouvait convaincre les Etats Unis de l'attachement indéfavorable et des attentes motivées de toutes les parties de la république indivisibles des Français, ne pouvait qu'être utile aux intérêts respectifs de nos deux peuples. Les circonstances d'ailleurs ne justifient que trop les demandes pressantes que la Guadeloupe s'est permis de faire par mon entremise au corps fédéral. Cette colonie a eu connaissance des ordres qui m'ont été donnés par le conseil exécutif relativement aux approvisionnements des Antilles; je l'ai informée des obstacles qui m'avaient empêché de les exécuter, et alarmée du danger que ce contre-tens faisait courir à une source de richesse aussi précieuse pour la France que pour les Etats Unis. Elle s'est fait un devoir de vous présenter sa situation sous les couleurs les plus vives, les plus patriotiques et les plus propres, à refuter tous les absurdes mensonges que répandent dans votre con- tinent des hommes malveillants qui n'ayant point eu la sagesse d'attendre à l'exemple de la grande majorité des habitants des îles du Ventoux le parfait exemple que cette colonie, qui fait écho à l'aveu d'un esprit si généreux et si volonta- tion, ont aggravé eux mêmes leurs maux par une résistance criminelle aux lois, et se sont précipités dans un abyme profond, plutôt que de faire quelques lègers sacrifices aux préjugés et à l'orgueil.

Agréez mon respect.

GENET.

[TRANSLATION.]

The Citizen Genet, Minister Plenipotentiary of the republic of France to the United States of America, to Mr. Randolph, Secretary of State.

PHILADELPHIA, the 15th day of Ventose, of the 2d year of the republic of France, one and indivisible. February 4, 1794, (O. S.)

SIR:
You will find under this envelope, the copy which you desire of the letter of the General and Extraordi- nary Commission of Guadeloupe, proposed to me to have transmitted to the representatives of the American People.

I have pleaded with complaisance with this method, because it seemed to me, that, in the present circumstances, every thing which might convince the United States of the unshaken attachment, and of the expectations discovered by all parts of the indivisible republic of France, could not but be beneficial to the respective interests of our two na- tions. Besides, circumstances too must justify the pressing demands which Guadeloupe has permitted itself to make through me to the legislative body. That colony has had formation of the orders which have been given by me to the executive council, relative to the supplies for the Antilles. I have informed them of the obstacles which I prevented me from executing them; and, alarmed at the danger in which this disappointment placed a source of riches, as precious to France as to the United States, they have conceived it a duty to present to your situ- ation in colors the most lively, the most patriotic, and the most proper to refute all the absurd falsehoods spread through your country by malevolent who, not having had the wisdom to wait for the example of the great majority of the inhabitants of the Windward Islands, whom the torch of experience had enlightened with the philoso- phical spirit which pervaded over our revolution, have themselves aggravated their misfortunes by a criminal resist- ance to the laws, and precipitated themselves into a profound abyss, rather than make some trifling sacrifices to pre- judge and pride.

Accept my respect.

GENET.

La Commission Générale et Extraordinaire de la Guadeloupe, au Congrès des États Unis de l'Amérique,

BASSETTERRE, le 6 9ème 1793, Pan second de la republic Françoise.

CITIZENS REPRESENTED:

Une immense conjuration s'est formée contre la république Françoise. L'honneur et le droit des gens ont été mis à l'écart. Les neutres mêmes ne sont pas respectés. Votre pavillon surtout long d'être une sauve- garde assurante, n'est plus que le jouet de la cupidité et de la hureur de nos ennemis; et comme la guerre, ce ne sont plus les vieillesquerelles des cours qui ont mis les armes à la main; elles ont tout oublié, tout sacrifié pour se réunir en étouffant dans sa naissance la liberté d'un grand peuple qui est au centre de ce continent, et qui fait incroyable à leur ambition; et c'est l'Angleterre, qui dans la noble politique, dont elle s'honore, a préparé, depuis long temps, et aachevé ce plan de destruction; tant est factve et faux l'esprit de liberté, dont ce Gouvernement cause le peuple Anglais.

Aussi en avez-vous été forc de secourer le joug; et l'essuis vous fait si le Gouvernement élit justé?

Cependant les Français vous ont secourus dont cette importante occasion, quelque soit le motif que ait pu déterminer alors une cour rivale de la puissance Anglaise.

Le bien que l'intérêt établit alors, la franchise et l'amitié l'ont resserré dans le nouveau Gouvernement des Français. Ils ont donc donné des instructions à la commission de la république et qui ont donné lieu à une affinité qui a été le desir des Francais et qu'on ne peut pas faire, un jour l'on sentira le prix de l'amitié du peuple Francais, et ceux qui y auront les premiers droits, seront sans doute ceux qui auront aidé dans l'adversité, et dans le grand acte de sa régeneratio. En vain tous les efforts des puissances conjurées minent au dedans et au dehors les fondements de son nouveau Gouvernement. La France veut être libre et république; elle le sera, et ces puissances éprouveront elles même la ruine et la destruction qu'elles appréciént à la France.

Américains du nord: Vous n'en etez pas à faire ces reflexions. La politique d'un peuple vraiment libre n'est pas fasichée; les combats qu'ils ont eus dans des droits des nations unies. Déjà la France n'a pas attendu les effets de votre assistance pour vous trairer en frères et amis. L'adresse qu'elle vous a fait a resiprée que la loyauté en le désinteressement elle offre tout a votre avantage, et elle n'a il en vire aucun compens; elle vous présente une pacte et une communauté de commerce. De décret que la convention a rendu pour vous affranchir des droits de commerce, vous vous assumer des droits de la mer, c'est le gage de sa sincérité. La France a donc indiqué l'intérêt que vous avez à ses colonies. Vous devez donc à titre, d'allié, et à titre d'associé, garanti ces possessions précieuses de la cupidité de nos ennemis et de vôtres.

Depuis la désignation, nous avons adressé au ministre de France pays des Etats Unis la demande des divers secours qui nous étaient nécessaires; le ministre de marine y avait autorisé. Cependant rien ne nous est parvenu. Nous sollicitons des secours en vivres, en munitions, et en hommes même. Quoi? Lorsque l'Angleterre, voyant que vous vous défendez ainsi, frotter le pavillon de la République française de ses vaisseaux, et désavouer les colonies Francaises au nom d'une hypothèse, la France ne se fait pas de la peine de porter contre une indigne trahison, au nom d'un republique maitresse d'un territoire et d'une population immense. Nous n'avons donc pas crû, dans une hypothèse semblable, déroger au droit des nations et à notre fidélité Francaise en invoquant des secours en hommes. La foi des représentants nous suffit.
Quant aux secours en munitions de toute espèce, c'est une dette à liquider, et le ministre de la marine l'indiquait dans sa lettre du 2 Février, adressée à St. Lucia. Nous avons écrit de concert avec le Général Callot au délégué de France près de vous. Nous ferons aujourd'hui une démarche plus directe et plus franche, en partant immédiatement au Congrès; c'est pour appuyer la demande faite au ministre et dont il doit notifier les articles. Nous pensons que cette preuve de confiance et de loyauté, égale dans les Français de la métropole et des colonies, agira efficacement auprès des États-Unis, et que si les liens de la fraternité attachent à jamais nos deux nations, de même les rapports précieux du commerce ne manqueront pas d'une même esprit et un même intérêt entre les républicains de l'Amérique du nord et ceux de l'Amérique du sud.

Saint Citoyens Représentants.

La Commission Générale et Extraordinaire de la Guadeloupe.

LACHARRIERE, Président.
KAIO, Secrétaire.
POHL, Secrétaire.

[TRANSLATION.]

The General and Extraordinary Commission of Guadeloupe to the Congress of the United States of America.

CITIZEN REPRESENTATIVES:

An immense conspiracy is formed against the republic of France. Honor, and the law of nations, have been put out of the question. Even neutral Powers have not been respected. Your flag, especially, far from being a sufficient safeguard, is no longer more than the sport of the capidity and fury of our enemies. This is the system of war: they are no longer the old quarrels of courts, which lead them to take up arms; they have forgotten all, sacrificed all, in order to league together, and to stifle in its birth the liberty of a great People, who are in the centre of the continent, and who give unbrave to their ambition. And it is England, who, in the noble policy with which she honors herself, has for some time prepared and accomplished this plan of destruction; so factitious and false is the spirit of liberty with which that Government amuses the English people.

You have also been forced to shake off the yoke; and would you have done so, if the Government were just? However the French succeeded you on this important occasion; whatever might have been the motives of determining at that time, a court which was a rival of the English power; the connexion then formed, from interested motives, sincerity and friendship have bound more closely in the new French Government. They have already given you testimonies of that affinity which ought to unite two republican Governments; and whatever may be done, the value of the friendship of the French people will one day be experienced, and those who shall have the first right to it will, doubtless, be those who have added them in adversity, and in the grand act of regeneration. In vain are all the efforts of the conspirators to injure within and without the foundation of their new Government. France wishes to be free, and to be a republic; she shall be so; and those Powers will themselves experience the ruin and dismemberment which they prepared for France.

Americans of the North! You are not to apply these reflections to yourselves. The policy of a people truly free, is not to be fascinated by combinations of cabinets; it is ostensible and open; it consists in the rights of nations united.

Hitherto France has not waited the effect of your assistance as an inducement to treat you as brothers and friends. The address which she sent to you requires nothing but loyalty and disinterestedness; she offers every thing to your advantage, and has no reward in view. She presents to you a compact and commercial community. The decree which the convention has passed to enfranchise to you the rights of domain, and to assimilate you to the people of her own nation, is the pledge of her sincerity. The convention then indicated to you the interest which you have in her colonies. You therefore owe to justice, to allies, and to the title of associates, the guaranty of these precious possessions from the capidity of our and your enemies.

Since the declaration of war, we have addressed to the minister of France with the United States, the demand of divers succours necessary for us. The minister of marine had authorized them. However, nothing has come to our hands. We now solicit succours of provision, ammunition, and even men. What! when England, seeing, for the first time, the white flag waving among her vessels, came to take possession of the French colonies, in the name of a king without dominions; and North America, witness to that political perfidy, not able to lend a helping hand against an unworthy treachery, in the name of a republican mistress of an immense territory and population! We have not, therefore, in such an hypothesis, conceived that we derogated from the law of nations, and our French fidelity, by invoking succor in men. The faith of republicans to us is sufficient.

As to the succours of ammunition of every kind, there is a debt to be liquidated, and the minister of marine pointed it out in his letter of 2d February, addressed to St. Lucia. We have written, in concert with General Collot, to the French minister residing with you. We now take a more direct and free method, by speaking immediately to Congress, in support of the requisition made to the minister, and of which he will notify the articles to you. We think that this proof of confidence and loyalty, the same in the Frenchmen of the metropolis as in the colonies, will operate efficaciously with the United States; and that, if fraternal connexions forever attach our two nations to each other, so also will our commercial relations no longer manifest but the same spirit, and the same interest, between the republicans of North, and those of South America. We greet you citizen representatives.

The General and Extraordinary Commission of Guadeloupe.

LA CHARRIERE, President.
KAIO & POHL, Secretaries.

BAISSETTERRE, November 6, 1793, 2d year of the French republic.
Message from the President of the United States, communicating information in relation to our affairs with Great Britain and Spain.

Gentlemen of the Senate, and of the House of Representatives:

The extracts which I now lay before you from a letter of our minister at London, are supplementary to some of my past communications; and will appear to be of a confidential nature.

I also transmit to you copies of a letter from the Secretary of State to the minister plenipotentiary of his Britannic Majesty, and of the answer thereto, upon the subject of the treaty between the United States and Great Britain, together with the copy of a letter from Messrs. Carmichael and Short, relative to our affairs with Spain, which letter is connected with a former confidential message.

GEORGE WASHINGTON.

Mr. Pinckney to the Secretary of State.

LONDON, November 23, 1793.

Dear Sir:

My last letters to you were of the 9th and 11th of the present month, since which I have received yours of the 7th, which I have written on the相同的 paper, and from which it appears that the former having been forwarded to me only a week ago. The bill sent to me by the cashier of the bank, drawn on Messrs. Bird, Savage, and Bird, was inSpecified, the other, on Messrs. T. and F. Baring & Co. is noted for non-acceptance, of which circumstances, I have apprized our bankers at Amsterdam.

You will have received, long before this reaches you, my account of the issuing of the additional instructions; of the arrangements which were made on the subject, with the reasons urged by this administration for the same, which I am particularly instructed on that point, I shall reiterate a formal representation in writing; but having reason to believe the measure which the particular answer will be, I will not defer, on that account, giving you the substance of a conference I lately had with Lord Grenville. Having received authentic intelligence that the truce between the Algerines and Portuguœuse (of which I forwarded to you the first information I had received) has been negotiated by the British counsel at Algiers, without the knowledge of the court of Portugal, and learning at the same time that the negotiation for peace with the Northwestern Indians had failed, I thought it my duty to obtain explanations on these subjects. (a.) I therefore turned the conversation to them, on Lord Grenville's expressing his satisfaction at hearing that the epidemic disorder in Philadelphia had nearly ceased, by expressing my gratitude for the interest he took in our welfare, and for his general professions of friendship to our country, and assured him of our earnest desire, that this friendship should be continued and augmented, and that our interests were identical. But I observed it was unfortunate that the circumstances which occasioned any material diminution of the prosperity of the United States, so far as they affected the measures of this country; that I had a well grounded hope, that it was not the intention of administration to do us injury; that I was certainly it was not their interest so to do; but that people who felt grievances, who imagined they knew the parties from whom those grievances originated, and that those parties had it in their power to remove, could scarcely view, with that eye of cordiality we mutually wished to promote, those who were the willing causes of their misfortunes: that the circumstances which were now particularly calamitous to the United States were, first, the Indian war, which I attributed to the detection of the posts; the second was, the letting loose the Algerines upon us, which I attributed to their counsel, Mr. Logie; the third was, the interruption to our commerce and neutral rights, which I placed to the account of the measures of this country. I elongated several on these subjects in such arguments as suggested themselves to me, and concluded, by expressing a reliance that this administration would not hesitate to relieve us from the inconveniences we felt in consequence of their measures. On the subject of the detention of our vessels with provisions bound to France, I mentioned, that as I was particulalrly instructed, I should offer a written representation; to which Lord Grenville said he would give an answer in writing. His Lordship, in reference to what I had advanced, stated, that, with respect to the truce between the Poruguœuses and Algerines, this country had not the least intention or a thought of injuring us thereby; that they had been applied to by their friend and ally, the court of Portugal, to procure a peace for them with the Algerines, and that certain arrangements had been instructed to effect this purpose; that he, finding the arrangements for a peace could not immediately take place, had concluded the truce; that in this the Algerines received they had done no more than their friendship for a good ally required of them; but that the measure was also particularly advantageous to themselves, as they wanted the co-operation of the Portuguese fleet to act against their common enemy, which was at liberty to do when no longer employed in blocking up the Algerine fleet. As I had stated that the court of Portugal had promised a convey to the American vessels then in their harbors, he assured me they were proceeding in another place, in which we were both of opinion, for obvious reasons, that it was convenient to continue it; that this negotiation was not terminated; and he assured me that he continued to receive pressing applications from the commercial subjects of his Majesty, on account of the non-execution of the treaty on our part. He further said, that if the measure of relieving the posts were to take place, their settlements would be exposed to the attacks of themselves and the expense and disadvantages which I had described to be at present the case with us; for these reasons, he thought administration would not be justified in relinquishing the posts at once; but expressed his regret, that Mr. Hammond had not been permitted by us, to enter into a negotiation for some arrangements relating particularly to the posts, and (as I apprehended him) Indian affairs, which, he had no doubt, would have terminated in our common advantage and neutral satisfactions; but that, when Mr. Hammond wished to subject that business, he was given to understand (though in the most civil terms) that the less that was said on that subject the better. (b.)

The newspapers will convey to you all the public intelligence. The affairs of France appear to me to be conducted with great energy; but of that you will undoubtedly receive more accurate information than I can offer. The little republic of Genoa appears to have displayed more of the dignity of an independent State, and greater respect for her own and the neutral rights, than have been expected from her position.

I remain, &c.

THOMAS PINCKNEY.

Mr. Le Colonel, a friend and aid-de-camp of M. Lafayette, who served in America, and has considerable arrear of interest due to him, applied to Mr. Morris, about a month ago to purchase some arms from Paris. I wrote to Mr. Le Colonel, in great distress; I therefore have drawn upon our bankers for £100 for him, from the contingent fund, to be replaced from Mr. Le Colonel's demand on the public. I shall be obliged to you for your direction, in similar circumstances, should they occur. (c.)
foreign relations.

Elucidation of the ciphers in Mr. Pinckney's letter of November 25, 1793.

(a.) That the real attention of this court towards us might be ascertained.
(b.) He was then proceeding to another point, but being unwilling that the extraordinary hint contained in what he had last said, should remain merely as a hint, I begged him to detain a little longer on that subject, and asked him explicitly, whether, in case we should comply with what they conceived to be the full execution of the treaty on our part, they would relinquish the posts to us? He answered, that in case any treaty had deferred the accomplishment of their part of the obligation for nine years, whereby the complete execution could not afterwards be had, neither reason nor the law of nations would exact a strict compliance from the other party.

You will see by their last treaties, that they cannot now retract their instrucutions concerning the detaining of corn; neither do they appear to have the inclination. On the contrary, I am informed they meditate fresh embarrassments to our trade.

(c.) He produced to me a letter from Lafayette, desiring me to furnish him with money from the thousand pounds sent for him by the President.

The Secretary of State.

Mr. E. Randolph to the British Plenipotentiary.

Philadelphia, February 21, 1794.

Sir: From a review of your letter to my predecessor, on the 29th day of November, 1793, it appears that you had not then received such definitive instructions relative to his communication of the 29th of May, 1792, as would enable you immediately to renew the discussions upon the subject of it.

Suspended as this negotiation has been for so long a time, I have it in charge from the President of the United States, to repeat the inquiry, whether any instructions have been yet received by you, for pursuing such discussions? Permit me to hope for the honor of a reply at as early a moment as may be convenient.

I have the honor, &c. &c.

EDM. RANDOLPH.

P. S. I thank you for the communication of his Britannic Majesty's declaration which I have just received.

The Minister Plenipotentiary of Great Britain.

Mr. Hammond to the Secretary of State.

Philadelphia, February 21, 1794.

Sir: In answer to the inquiry contained in your letter of this date, I have the honor of informing you, that I have not yet received the definitive instructions that, as I have before assured you, I expect to obtain, on the subject of the discussions to which you allude.

I have the honor to be, &c.

GEO. HAMMOND.

The Secretary of State.

Messrs. Carmichael and Short to the Secretary of State.

St. Lorenzo, October 22, 1793.

Sir: Immediately on receiving your letters by Mr. Blake, we did ourselves the honor of informing you of it by post on the 29th ult., and sent four copies of our letter via Cadiz and Lisbon. The Algerine cruisers having since passed the straits, the American vessels in those ports, by which the several copies of that letter would have been forwarded, will probably not put to sea. This suggests to us the idea of writing at present by the packet to Falmouth, to repeat to you the information of Mr. Blake's arrival here, although it is not in our power to add any of importance as to the subject of the letters received by him.

It was our intention that he should have left this place for Cadiz about this time, even if we received no written answer to our written communications on that subject made by our letter to M. de Gardouqui the 1st of this month. We were, according to custom, constantly assured that we should have it daily; but we did not think it would be proper, after your letter of the 12th of July, to keep him longer, as we knew, from the invariable form and constant usage in doing business here, that it might be delayed beyond all kind of calculation. Our determination in this respect has been changed by the Algerine cruisers. He would not consent, and indeed we could not expect it of him, to embark on board of an American vessel sailing from Cadiz or Lisbon, even if any should sail, whilst the Algerines are on that coast. We know of no other there destined for the United States, and therefore think it would be improper he should proceed to either of those ports on that contingency. We have written to Cadiz, Lisbon, and Bilboa, to obtain information on that subject; and shall decide according to what we may learn from thence. This will unavoidably delay his departure. We think it indispensable that you should be informed thereof, and shall, therefore, send different copies of this letter.

* The mode of conveying this letter prevents our going into detail even by cipher. We think it, however, proper to mention to you, that, on our communicating to Gardouqui the subject of your despatches, he gave us the strongest verbal assurance, that it was not the intention of Spain to interfere, if we should take place between the United States and the Indians. He promised an immediate answer to that effect, to our letter of the first of this month to him. After delaying this in his way, from day to day, under the various pretences of our letter being to be translated to present to the King, &c. he informed us, on the 19th instant, that at the moment he should have answered it, the Duke de la Alcudia had determined that it belonged to his [136] and had, therefore, taken into his hands our letter, and the other papers, in order to give the answer, for which we were to [136] to him. This we accordingly did by our letter of the 20th instant, and are now expecting the answer. From experience we do not think the verbal assurances of Gardouqui sufficient to assure you what a written answer will be; it will be the same, however, from the Duke that it would have been from him. In the conversations which Mr. Carmichael has had with him, he has always found his sentiments consonant to the professions made by Gardouqui.

We shall do ourselves the honor of writing to you again, without delay, and in the mean time beg you, &c.

WM. CARMICHAEL,

W. SHORT.

The Secretary of State for the United States, Philadelphia.

* Note. The part comprised within brackets was written in cipher.
Gentlemen of the Senate:

I have caused the correspondence, which is the subject of your resolution of the 34th day of January last, to be laid before me. After an examination of it, I directed copies and translations to be made, except in those particulars which, in my judgment, for public considerations, ought not to be communicated.

These copies and translations are now transmitted to the Senate, but the nature of them manifests the propriety of their being received as confidential.

G. Washington.

Correspondence between the Minister Plenipotentiary of the United States, at the republic of France, and the Secretary of State, in the years 1789, 1793.

No. 1.

Paris, June 10, 1790.

Dear Sir:

I have the honor to acknowledge your favors of the 10th of March and 28th of April. My last was of the 25th of April. As Mr. Short remained here until the 4th instant, and was better acquainted with the current transactions, I relied on him for the communication of them. He informed you that we obtained an interview with M. Dumouriez on the 15th of May. In this interview, he told me that he thought it was best that I should be presented to the King immediately, but yet my first audience did not take place until the third of this month. He apologized for this delay as proceeding from the state of public affairs, which kept him continually occupied and agitated. I shall have occasion, if I may so say, to refer to you in detail on this subject. In this conversation, as a fair opportunity presented itself, I made use of it to tell him that, during my residence here in a private character, I had as well, from my attachment to the cause of liberty, in general, as to the interests of France, in particular, endeavored to effectuate some changes in the constitution, which appeared to me essential to its existence, than being not in a public character, I thought it my duty to avoid all interference in their affairs, of which, from henceforth, I should be a mere spectator. I will not trouble you with repeating what passed at my reception by the King and Queen.

On the next day, I dined with M. Dumouriez, and delivered the letter from the President to the King, on his acceptance of the commission; and especially made a friendly mention of the missions of their agents, which are not uncommon. By the by, several members of the corps diplomatique have spoken to me on the subject of this letter, which has given them a high idea of the President's wisdom. I took occasion, according to your instructions, to mention the obnoxious acts of the late Assembly, which was the first topic our interview, and the efforts made to legitimize, with that no respect, everything, which, in modern days, has been publicly avowed. This hope has hitherto proved fallacious, and, indeed, as far as can be judged from the temper and character of the Flemish people, and from the information I have been able to collect, it seems to be a vain hope, that, however they may feel an aversion to the late Assembly, they will never be disposed to that of France. There is, therefore, no probability of any capital division in that quarter, and the chance of it is daily decreasing, from two natural causes: First, that the French troops are extremely undisciplined, and, secondly, that the force of their enemies will soon receive very considerable additions. On the first of these heads, I need not particularize, since you will receive, from various quarters, the sufficient evidences. In respect to the latter, having combined all the intelligence which can be relied on, it results that, about the middle of next month, the allied armies will be one hundred and eighty thousand strong, exclusive of the French emigrants. It is doubtful whether these last will be permitted to act, and for the following reasons: First, it is not to be supposed that twenty thousand gentle and volunteers, serving in their own affairs, can be well disciplined; consequently, it is to be apprehended that they will be more injurious to their friends than to their enemies. Secondly, it is next to impossible that, in such a number, all irritated by injuries either real or supposed, there should not be some who will act more from motives of private vengeance than regard to public good; and it is certain that acts of cruelty and injustice will rather tend to prolong than terminate the contest, at least to give it that termination which they wish for. Thirdly, it is notorious that the great mass of the French nation is less solicitous to preserve the present order of things, than to prevent the return of the ancient oppressions, and, of course, would more readily submit to a pure despotism, than to the degradations of monarchy whose only limits were found in those noble, legal, and clerical powers, by which the people were alternately oppressed and insulted. And this observation leads naturally to the object of the combined powers, which I conceive to be the establishment of a military Government on the ruins of that anarchic system which now prevails, and in the continuation of which neither Power but England has any interest. The others, seeing that, without a counterpoise in the marine scale, Britain must possess the empire of the ocean, (which, in the present commercial state of the country, is a kind of universal empire) cannot but wish to re-establish this kingdom. But a great question occurs—What kind of Government shall be established? The envoys hope for their daring ariests, that some plan may be so admirably be supposed that Kings will exert themselves sufficiently to destroy at home, and more especially, as the French Revolution having been begun by the nobles, the example will be so much the more striking, if they become the victims of it. But, if the allied monarchs have an interest in destroying the aristocracy, they have a much stronger one in maintaining a free and well preserved system, by which all must inevitably extend itself, and force the neighboring Powers to relax from their tyranny. If the court of Berlin could have been insensible to this truth, in which it is so deeply interested, the zealous reformers here would not have permitted the Prussian ministers to slumber over their rights; nor have they remained content with the expectations of the people, which might have been only political, has become personal, and I have good reason to believe, notwithstanding the profound secrecy which is preserved respecting the designs of the grand alliance, that it is in contemplation to put all power into the hands of the King. Things have been prepared for that event by the inconsiderate partisans of liberty in their enmity to abolish ancient institutions, they forget that a monarchical, without intermediate ranks, is but another name for anarchy or despoticism. The first, unhappily, exists to a degree scarcely to be paralleled.

* The paragraphs which were omitted, in the papers communicated to the Senate, are now supplied.

† This was prior to his arrival at Paris as our minister.
And such is the horror and apprehension which licentious societies have universally inspired, that there is some reason to believe the great mass of French population would consider even despotism as a blessing, if accompanied with self-denial, and go out of their way to render it acceptable, in order to avoid it.

Another great means of establishing despotism here, is to be found in that national bankruptcy which seems to be inevitable. The expense of the last month exceeded the income by about ten millions of dollars. This expense continues to increase, and the resources to decrease, as the People's confidence in the Government is shaken by every event. The country people have hitherto been actuated in a great measure by the hope of gain. The abolition of tithes, of feudal rights, and burdensome taxes, was so pleasant that a cold examination of consequences could not be admitted; still less an inquiry into the strict measure of justice.

The abolition came on those philosophical and mathematical arrangements of theфик, which are very beautiful and satisfactory; and to which there lies but one objection of any consequence, which is, that they are inexpedient. Now I have frequently observed, that, when men are brought to abandon the paths of justice, it is not easy to turn them back on their progress above the abyss of corruption and the despotic system. The nation has been induced to adopt it, and, if once established in the non-payment of taxes, the question will be decided without much difficulty, if once the Legislature get out of this city.

They are already preparing for a march, and it is intended to take the King with them, to effect a decree has been drawn and not read, such as is expected to start some serious opposition. As it was signed, it is not printed in the Gazettes, which are printed on an issue of the 20th of June, and I suppose it is in the Assembly now.

An opposition will be made by the Parisian militia to the latter decree, because they begin to perceive the object; and as it seems to be a pretty general opinion among them, that no capital opposition will be made to the Austrian and Prussian troops, they consider the person of Louis the Sixteenth as forming the most solid reliance they have to protect them from plunder and outrage. This decree may therefore occasion either a schism between the militia and the Assembly, or among the inhabitants of Paris, or both.

Already there exists a serious breach between the members of the present administration, and a part of them much concerned about the reason that makes the King so readily believe that the forces of those who have passed them within a few days. There exists also, a mortal enmity between different parties in the Assembly. At the head of the Jacobin faction is the Deputation of Bordeaux, and that city is, as you know, particularly indisposed to our commercial interests. It is this state of universal hostility, or rather confusion, to which Dumouriez alluded when he said, in addressing my colleague, that he feared the King would not be such as the Constitution should have been at the dissolution of the Legislative Assembly for not permitting any well-grounded expectations.

At present the two armies are in march to form a junction, when the whole will be commanded by Monsieur Luckner. It is expected that he will head the body of sixty thousand picked troops, and the Austrians cannot well oppose above thirty-five. It is said he is to march to Marseilles, but I have pretty good reason to believe that the stroke will be about the twentieth to the twenty-fifth.

M. Dumouriez told me that he was perfectly easy in respect to Russia, whose only object was to get the House of Austria fairly engaged, and then to take advantage of its embarrassments. I told him that he must of course be well informed of that subject, but that since the evacuation of Warsaw, his mind could not be so justly inclined to the latter. Peremptorily refused—the situation of their respective armies not permitting any well-grounded expectations.

Whether this movement be in concert with the Austrian and Prussian Cabinets or not, is doubtful. I cannot as yet make up any tolerable judgment on the subject, but I believe in that case it may be a pretext to good effects, and I mean to keep that in view.

The details I have entered into, and the information which you will collect from the public prints, will show that, in the present moment, it will be very difficult to excite attention to other objects than those by which we are so strongly agitated. The best picture I can give of the French nation is that of cattle before a thunder storm. As long as they cannot see that the object is in the distance, and the deputation is for himself, they will notesta. The obstacles to success form but excitements to the attempt. It must, however, be made with caution, because any sudden change of affairs may bring forward persons who would oppose a measure merely because their predecessors had approved of it.

You desire me, among other things, to send you the Moniteur, but the editor of that paper does not give so faithful a report of what passes in the Assembly as you will find in the Logographe. If there be any one of the Gazetters who is impartial it is the author, or rather transcriber, of this. I send you of course the Gazette of France, which says, you know, whatever the ministers may tell you to say. The Patriote Francais, written by M. Brissot, may give you the republican side of the question, as the Gazette Universelle does that of the kind of monarchy proposed by the constitution. The paper called the Indicateur is written by a party who wish to make a very vigorous executive, although strange to tell, that party consists of the persons who, in the beginning of the late Assembly, did every thing in their power to bring the kingdom into the situation now experienced. The Journal of the Jacobins, will give you what passes in that society. The Gazette of Leyden, which I transmit according to your request, will convey a kind of digest of all these different sentiments and opinions. Thus, sir, if you have the patience to look over these several papers you will perceive very well that our situation is done out of much of the same kind.

For the present I take my leave, with the assurances of that sincere respect and esteem, with which I am, yours;

THOMAS JEFFERSON, Esq. Secretary of State.

No. 8.

PARIS, June 17, 1792.

My DEAR SIR:

I had the honor to write to you (No. 1) on the 10th instant. The ministry is changed rather sooner than I expected, that is to say as to the totality. Messieurs Servan, Roland, and Claviere, were dismissed by M. Dumouriez, only to bring in those of his party who were the friends of his predecessor. This would certainly bring on very serious quarrels, it was supposed that he had prepared himself, before hand, for all consequences. It would seem, however, that he was less firmly fixed than he imagined; for, as the reason for sending them away was, that they insisted on the royal sanction to the two obnoxious and unconstitutional decrees, it was in the natural order of things that they should be immediately sent back to the Assembly. Instead of that, it is said that M. Dumouriez, insisted on passing both, and, in case of refusal, threatened resignation. To his surprise the King accepted the resignation, and, in consequence, his friends newly appointed go out with him. As the present set have not all his friends, as I will deliver collector to the late minister, the not at the foot of my letter the names and places of such as may finally be fixed on. The Jacobins were busy all last night to excite a tumult in the city, but the precautions taken to prevent it have as yet proved successful. I am told that M.
Lucas and M. de Lafayette still persist in their determination not to risk an action. If so, the present state of anarchy may continue for some time. If they fight, and gain a victory, it is not improbable that we may witness some outrages of the most flagitious kind. If, on the contrary, there is any capital defeat, the jacobin faction will be a little moderated. On the whole, sir, we stand on a vast volcano; we feel it tremble, and we hear it roar; but low, and when, and where, it will burst, and who may be destroyed by its eruptions, it is beyond the ken of mortal foresight and discretion.

While I am writing I learn the following to be the arrangement for the new ministry: of the old set two remain, M. Duranton, and M. Lacoste; the former is said to be a pretty honest man, but rather too much attached to the faction; the latter is looked upon as the last one considered as an honest man, well acquainted with the business of the Marine. M. Lajaran is appointed to the Department of War; he is a creature of M. de Lafayette: his ability doubtful, but his principles sound. M. Chaumonot is appointed to the office of Foreign Affairs; he is un homme d'esprit, but one monotonous in his deportment, and a very insipid and didactic informer, and he is said to be a man of integrity. M. Moustier, a very worthy man, is named to the Department of the Interior, but his acceptance is very doubtful. The minister of Impostions is not yet fixed on; he will be a cipher, for two or three such have been applied to. The plan is mangled; it will be purged (at any rate) of some of its members, but one great doubt exists whether it will not be driven off by the jacobin faction. It is in contemplation to make a serious effort against that faction, in favor of the constitution, and M. de Lafayette will begin the attack. I own to you that I am not sanguine as to the success.

Very much is to be done, and there is very little time to do it, for the foreign enemy will soon be greatly superior. The impression given is one of weakness and impotence, and is frequently interrupted. Thus, while a great part of the nation is desires of overturning the present Government, in order to restore the ancient form, and while another part, still more dangerous from position and numbers, are desirous of introducing the form of a federal republic, the moderate men, attacked on all sides, have to contend, alone, against an immense force.

I cannot go on with the picture of my heart when I reflect that the finest opportunity which ever presented itself, for establishing the rights of man throughout the civilized world, is perhaps lost, and for ever.

I write on as events arise, and shall continue to do so, until the opportunity to send my letter shall present itself.

I am, very truly, your sincere and humble servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. Secretary of State.

No. 3.

PARIS, July 1, 1792.

DEAR SIR:

According to your orders, I sit down to render this day a state of my account,* which will be but short, because I shall charge, at present, no contingencies. There are some such which will come in my next account, and which would be stated this day; but as I have not yet got into the house which I hired immediately after my arrival, and which I have daily been in the hope of entering, my papers and books remain in the state in which they were.

Add to this that the amount is not great, and that I am very much occupied, and frequently interrupted.

I left London on the last day of April, wherefore my salary to the last day of June, being for two months, was fifteen hundred dollars. My outfit is nine thousand, making, together, ten thousand five hundred dollars, which I have drawn for on the bankers of the United States at Amsterdam.

I have heard up the several newspapers to this day, and shall send them to Havre. My Secretary's salary will now commence.

I am, respectfully, dear sir, your obedient and humble servant,

GOUVERNEUR MORRIS.

THOMAS JEFFERSON, Esq. Secretary of State.

No. 4.

PARIS, July 10, 1792.

DEAR SIR:

I had the honor to write to you (No. 3) on the first instant. On the seventeenth of the last month, I mentioned the plans then in contemplation, and gave a short view of the existent state of things. I did not communicate those events which have since taken place, because you will find the most ample details in the several gazettes. On Saturday the seventh, a force was acted in the Assembly, in which the principal performers played well their parts, and the King was doped according to custom. Things are now verging fast to the catastrophe of the play. For some weeks the adverse parties, I mean court and jacobins, have been laboring each to cast on the other the odium of violating entirely the constitution, and commencing the civil war. The party which calls itself independent, and which in fact is the fearful party, begs hard for peace, and seizes eagerly whatever bears the appearance of the Moderate. The word terms will mean whatever power may choose to explain them to mean. The King and Queen believe that the actors were in earnest, and knowing that their lives had been at stake, were overjoyed; and their timid counsellors, trembling under the tyrannous powers of the Assembly, seized with eagerness the bait of reconciliation which had been thrown out, without any hope that they would swallow it. One of them, whom I have already mentioned as a very worthy man, saw in the rest of the Assembly the signs of deception, and opposed the opinion of the other, but in vain. Events in justifying him have fixed his predominance. This day the King will commence a new career, and if he goes through, I think he will succeed. I have every reason to believe that this letter will go safely, but yet I cannot justify paying more on the subject, because otherwise the confidence reposed in me might, in the course of events, prove fatal to my informant.

The present intention of the King is to secure the liberty of France; but whether he will preserve the steady purpose by those varying events, which must soon take place, to me appears uncertain. Indeed I doubt whether he will be sufficiently master of his own counsel. The idea of purging such purpose, even if it be not changed. Whether he will live through the storm is also uncertain: it will blow hard.

The exterior enemy hovers over his prey; and only seems to wait the moment which he has fixed to himself for his own stroke. New parties to the grand alliance daily show themselves. The Parliament has declared: Holland sees on the point of adhering; and doubts in regard to England begin to appear. The forces which France is to oppose to her numerous assailants does not exceed one hundred and eighty thousand undisciplined men; some of whom wait but the opportunity to desert. Against her are collected two hundred and fifty thousand of the best troops in Europe, besides the most noted general in this hemisphere. The intention was not to go before the harvest, in order that subsistence might be easily procured. Whether this plan will be changed, in consequence of what is like to happen here, I cannot say; I rather think it will. I understand that the manifesto which precedes attack, will destroy the constitution, and claim for the King (what it calls) his rights; for the clergy its possessions: the nobles their immunities; of the royal family; that the grenades nationales will be considered as armed peasants, meddling with business not their own, and therefore not under the protection of the laws of war. The allied monarchs are to declare themselves in arms not against France, but against the révoltes. You will easily see that the suspicion is false and fond.

I have repeatedly pressed the Minister of Foreign Affairs to come to a settlement of accounts, which he has promised to do; and I think I shall accomplish my purpose; because the marine department is to treat with me for supplies to St. Domingo. I mean to be generous in the terms of exchange for this supply, obtaining, at the same time, a benefit. But I will observe, sir, that the whole account on this head is to be balanced against the cotton. Two reasons operate with me on this occasion: First, I think that we ought to encourage our own agriculture and arts, and secondly, I think that what is paid here goes into a gulf of unbottomed profusion, and can but little advance the real interests of the nation.

* Not in the office, but probably in the Treasury Department.
I have also repeatedly called the minister's attention to the obnoxious acts of the late Assembly, and to their proposition for a new commercial treaty. He has replied, very candidly, that, for himself, he should be glad to settle every thing to my satisfaction, but that his ministerial existence is too precarious to undertake any extensive plan; that the attention of the Assembly (towards itself) is a present moment to think of its exterior interests; and that the Assembly, at open war with the Executive, would certainly reject whatever is to be presented to them. These are truths which I knew before, and therefore I thought it best not to urge too strongly for a decision, in the unpromising moment. The apparent reconciliation of Saturday seemed to give a better prospect. The court, on Sunday, had an air less embarrassed, and therefore (although the dictate of my judgment was different from that of others) I thought it my duty to make a formal application, which I did yesterday in a letter, a copy of which shall be transmitted. My intelligence of this morning justifies the opinion I had formed, and proves that the matter must be yet, for some time, suspended.

I am, sir, very truly yours,

THOMAS JEFFERSON, Esqr. Secretary of State.

[Letters accompanying the foregoing despatch.]

Copy of a letter from Gouverneur Morris to Monsieur Chambonias.

PARIS, 7th July, 1792.

SIR: I have already had the honor of communicating to you the good dispositions of the United States towards France, and of which they sincerely desire to multiply the proofs. I have had that of informing you at the same time, that, in the last session of Congress, although wines arriving from other countries had been highly duties, nothing has been added to the duties yours paid, which is, in effect, granting a premium on them: whence a considerable vent for them must be the result. It is thus, sir, that the American Government, who occupies one of the means of paying off its pecuniary debt, endeavors, at the same time, to acquit that of gratitude. You may reckon upon its punctuality, and give assurances of it to the King.

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I am, sir, very truly yours,

GOUV. MORRIS.
The communication of it has been made to the President of the United States by the minister plenipotentiary of His Majesty, but hitherto, this project has been stationary. I am instructed to assure you, sir, that the United States will, with true satisfaction, attend to all the overtures which shall be made to them on this subject, and that they desire to found that treaty upon a basis just, solid, and lasting. I hope, and I am confident that it will be in the power of any body to appreciate the advantages of it; and I venture to certify to you beforehand, that, if he is instructed by the King, for this negotiation, he will experience, on our part, the most amicable dispositions. You will give me much pleasure, sir, when you shall be pleased to authorize me to write that the commission for the purpose has been given to him.

[TRANSLATION.]

From Monsieur Chambon to Governor Morris.

Paris, 3rd July, 1799, 4th year of Liberty.

I have received, sir, the letter which you have done me the honor to write to me on the 9th of this month, and I have read with all the attention the importance of its contents merits. I shall not fail to communicate to the King and to the National Assembly the new proofs of friendship and interest which the United States have recently shown; and I shall also lay before them the desire testified by the American Government of cementing the union of the two people by a new treaty of commerce, and I shall immediately take the King's orders for opening this important negotiation. I have no doubt of its being soon brought to a happy conclusion, since the two Governments are equally desirous of founding the new treaty on a basis of the strictest justice, and consequently to the reciprocal advantage of the two nations.

I have the honor to be, &c.

No. 6.

FRANCE.

Paris, 15th August, 1799.

DEAR SIR:

My last was of the first instant, (No. 5.) Since that period another revolution has been effected in this city—it was bloody. Success, which always makes friends, gives to the present order an air of greater unanimity than really exists. A very considerable party is deeply interested to overturn it, but what may be their conduct is uncertain. Whether they will confine themselves to idle vows and empty wishes, or whether they will break out into action, is doubtful. Some of them are men of enterprise, but it is rather small than great enterprise. As you know well this kingdom, it may, perhaps, be sufficient to mention the kind of persons which compose this party. They are those who called themselves the moderate, or middle men, and who hoped to balance the two extremes, and govern the kingdom by playing off one set against the other. This, in quiet times, requires great talent as well as great energy. But when the forefathers of the former, who play this game should have a considerable armed force, because neither argument nor persuasion can then avail. It remains to be proved by the fact whether they possess such force. If they do, it must be in the hands of M. de Lafayette; and, as all must know and exercise, I forget that the government may, perhaps, be necessary that those who play this game should have a considerable armed force, because neither argument nor persuasion can then avail. I have long been convinced that this middle party, who, by the by, were the prime movers of the revolution, must fall to the ground, and that those who compose it must join one of the great factions. The aristocratic faction is still split into two or more. Some are for absolute monarchy; some for the ancien régime, but who is the devotee of the old French constitution, and who is the advocate of this last ground, but the idea of an hereditary Senate stuck in their throats. The King, who has an uncommon firmness in suffering, but who has not the talents for action, and who, besides, is a very religious man, found himself fettered by his oaths to the constitution, which he, in his conscience, believed to be a bad one, and about which, indeed, there is now but one opinion in this country; because experience, that great parent of wisdom, has brought it already to trial and condemnation. The King, from the causes just mentioned, would not step forward, and, of course, there was no standard to which the adherents of the two chambers could repair. The republicans had the good sense to march boldly and openly to their object, and as they took care not to mince matters nor embarrass themselves by legal or constitutional niceties, they had the advantage of union, concert, and design, against the disinclined members of a body without a head. If, under these circumstances, the foreign force were out of question, I should have no doubt that the republican form would take place quietly enough, and continue as long as the morale of the country would permit. You know the state of minds and sentiments of the nation: (If I may be necessary) form the calculation for yourself. The circumstance of foreign force is, however, on the present occasion, a preponderating object, and I think its effect will depend on its activity. Should the Duke of Brunswick advance rapidly, he will be joined by great numbers, even of the armies opposed to him, because the late change will furnish to some a reason to consider their situation. If he can do little, as they say, to the old friends of the Constitution, he may be cautious and slow, it is probable that those who are now silent from fear, will habilitate themselves by degrees to speak favorably of the present Government, in order to null suspicion; and that thus a public opinion will appear, which, when once pronounced, governs the generality of mankind. If, by this means, the new republic takes little root, foreign Powers will, I believe, find it a difficult matter to shake it to the ground; for the French nation is an immense mass, which it is not easy either to move or to oppose.

You will observe, sir, that matters are now brought to a simple question between an absolute monarchy and a republic; for middle terms are done away. This question, also, must be decided by force; because, on one side, it is in the hands of the people, who cannot treat for themselves, and who will not permit others to treat for them in respect to the important interests which are now at stake. If, as in former times, some factitious nobles were at the head of a party, they would, as formerly, take the first opportunity to stipulate for themselves the advantage of their party; but, without entering here into a question of relative integrity, I do not think that the people are so attached to any particular man as to have what may be called leaders; and those who appear as such, are, in my opinion, rather instruments than agents.

I am, dear sir, in the history of things, nor trouble you with a recapitulation of events. I enclose, and shall send by the present opportunity, the gazettes since my last, which will communicate all particulars which you may desire to know. Since the operations of the tenth, the Logographe, Gazette Universelle, and Indicateur are suppressed, as indeed are all those who were guilty of feuillettismes that is, adherence to the club des feuillets voisin.

I must, therefore, you know what I mean for what you find in the other gazettes, written not only in the spirit of a party, but under the eye of a party. The first must influence the most honest printer in the coloring of some facts, and the second will restrain the boldest printer in the publishing of other facts. If it were not as it were, and they had, I should communicate all the particulars which came to my knowledge; but this individual task would answer no good end, and, long before my letters would reach you, changes must inevitably take place.

Of particular, however, it is becoming to note. You will find that the Assembly immediately superseded the appointment of Monsieur Bonne Carrère as minister to the United States. This man's character is such as would be, and stained by infamous villains. By what influence he was introduced into the office of foreign affairs, I know not; for I was then in England; but I have reason to believe that it was the poor expedient of the feuillette to watch and check, and, perhaps, to betray the Jacobin ministry. While the King was pressing Monsieur de St. Croix (an eight day minister) to accept the Department of Foreign Affairs, this last declared that he would not serve; Bonne Carrère was retained; and, to get rid of him, they invented the expedient of sending him to America. I considered this step as a kind of insult, and transmitted my sentiments on the subject to the King, who, thereupon, told Monsieur de St. Croix that I was angry at that appointment, and he must arrange the matter with me. That he wished
I would prevent his being received. The minister apologised for himself by saying the nomination had taken place before he came into office, and that he had renounced against it. He apologised for the thing as well as he could, admitting, always, that it was wrong, and added that his embarkation should be delayed, and I was at liberty to prevent his being received. To this I replied that he might not embark at all, but be removed; and that would have been done, for, when he presented the Don for his appointment, the minister refused to sign it.

In the mean time the new revolution took place, and the history of M. Bonne Carrère's ministry is at an end. It may perhaps be misrepresented, and, therefore, having stated the facts, I think it right to add, that it proceeded from downright weakness. He was supposed to have been trusted so far that he knew too much. This was the case with some others, not better than him as to essentials, though not so much abused.

I shall send, herewith, a packet containing my correspondence with the commissioners of the treasury relative to our debt, and, in the same packet, you will find a letter from Mr. Cathalan to you, relative to a riot at Marseilles, and his conduct therein. He has written two long letters to me on that subject, and I have replied by one, of the thirteenth instant, which you will also find enclosed with his letter to you.

I have made the best use I could to fill up the gap that I did not myself authorized to go into the settlement of the account, finally, with the commissioners of the treasury. This is obvious. I must again, in this place, repeat, and add that, notwithstanding my utmost efforts, I have not been able to bring the Minister of Foreign Affairs to consider, for a moment, the question referred to me respecting the sums paid and paying in America. What is still more surprising, they have not asked for the explanation of the treasury of St. Domingo, has done nothing in that affair.

Two ministers have occupied that place since the decree. Each has given me various rendezvous, but neither has appeared at the time and place, because circumstances of the moment have obliged them to attend to something else. Indeed, the Executive of the late constitution has been at the last agony for these three months, and, of course, has thought more of saving its life than of doing its business.

The present Executive is just born, and may perhaps be stifled in the cradle. If a general arrangement could have been made with the late government for paying the whole of our debt, at some fixed exchange, so as to do justice, and fulfill the obligations of the United States, I should have been pleased, and all properly authorized, should probably have taken on me to make the needed engagements; and, in so doing, I should have made a great sacrifice to the public, because I wish, of all things, to be free from any pecuniary transactions: for I, by experience, that the utmost possible purity will not prevent malicious insinuations, which, however unfounded, may be highly injurious, to be in debt in the hands of a minister, we may experience some considerable losses on exchange, not to mention the dead charges, which are considerable too. It has therefore appeared to me most advisable to make one general statement and settlement of the whole; and if it shall appear that we have gained, and that they have lost, by the modes of payment, then to give a good round sum as a compensation, and as it were a grant, we have the reputation of the good we do, and the sacrifice we make, and because, otherwise, the agents of this Government might attribute to their address an advantage gained, instead of giving credit to our generosity for a compensation granted. And it seems important to establish the latter idea, because it cannot fail to extend our credit throughout the world, and consequently to facilitate all pecuniary operations which hereafter we may have occasion to make.

Before I conclude this letter, permit me, my dear sir, to request the orders of the President respecting my line of conduct in the circumstances about to arise. Perhaps these orders may not reach me until the circumstances are past; but, even then, they may serve as a guide to reason, in the circumstances which shall. If they arrive in season, they will relieve my mind from a great weight. At present, I feel myself in a state of contingent responsibility of the most delicate kind. I am far from wishing to find any fair and reasonable risk, and I rely on the justice of Government, at the same time, to mark out as exactly as possible the conduct to be pursued, as well as its goodness to judge favorably of cases under necessity.

I am, with sincere esteem and regard, dear sir, your obedient servant,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. Secretary of State.

[Accompanying the foregoing despatch.]

Extract of a letter from Governor Morris to William Carmichael, Esq.

PARIS, July 3, 1792.

"Two days ago I saw M. Le Corentin, who told me that his friend had made application to the Spanish court to obtain an assignment on the debt from the United States, for the discharge of a debt due to him, and that Mr. Gardou said the United States owed Spain above a million of dollars, being in part for advances made in America. This assertion struck me, and, as I had formerly some knowledge of the state of our finances, I ruminated on the subject, and have thereby brought back to my recollection the objects which I suppose he contemplated. They are twofold: first, advances for the United States, and, secondly, for the State of Virginia. These advances have been regularly charged against the States and the United States by the persons to whom they were made; and to these persons, I believe, full payment, but I am pretty sure that at least partial payments, have been made. It seems, therefore, most advisable to leave the settlement of the American account to be made in America. As to the advances made to us by the court in Europe, I suppose it will be right to adjust them in America."

PARIS, August 13, 1792.

Dear Sir:

I have received your two favors of the third instant. I am very sorry to find that your city has been so much disturbed, and I hope that the peace which you say was re-established may be of long duration. The moment is critical, and you must be guided in circumstances, such as you mention, by your own discretion. In general, however, you will observe, that, as consul of the United States, you should take part as little as possible in revolutions or counter revolutions. I think however, that despite contributions to you by the people of this city, we had duty in not giving them that liberty to which the title of citizens, which we should undoubtedly take part with those who wish to establish a free government.

Mons. S. CATHALAN, Jr. Consul at Marseilles.

No. 7.

PARIS, August 17, 1792.

Dear Sir:

If I have not hitherto mentioned the applications made to me by the foreign officers who have certificates whereof the interest is payable in this city, it has not been for want of sufficient cause, but because I did daily hope to have the satisfaction of informing you on the subject. Many have spoken to me, written to me, and have given to all the general assurances that justice would be done, that I would transmit their claims, and the like. I now enclose a letter from the Polish envoy, relative to the claims of Brigadier General Kœsikowski, and I have told the Count de Cramon that I should daily expect despatches from you on this subject. I did this because General Dupont told me that he has information from Colonel Terriant that these claims are all honorably provided for.

In the uncertainty as to what may have been done, I feel it my duty to bring the matter to your recollection, persuaded that you will do every thing which may be proper on the occasion.
I enclose in like manner, a letter I have received from Mr. Francis Coffyn of Dunkirk, respecting the consular office in that city. I tell him in answer to it, that I shall inquire of M. de la Motte as to the appointment he complains of, and will forward this letter to you, and take your orders. These you will, I trust, be so kind as to give me, I know not Mr. Coffyn, and consequently, can say nothing either for or against him.

I am, with esteem and regard, dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

[Letters referred to in despatch No. 7.]

SIR:

I here state the business concerning General Kosciusko, about which I spoke to Mr. Short, Chargé des Affaires of America, upwards of a year before your arrival, which he assured me he had communicated to the Government, and of which I had understood to speak to you at the house of the Minister of Foreign Affairs, when you requested it in writing, the better to bear it in memory.

The said General Kosciusko, a native of Poland, who has served in America, to whom you yourself have rendered the justice of saying that he is a man of distinguished talents, has a promise from the treasury of the United States for a sum of $66,314 18s. 9d. which is equal to $12,290 4½ of the current money in America.

I enclose the copy of the promise.

It is of the interest that such sum annually, and he has, in fact, received it for one year from Mr. Grand, banker of Paris; but for some years past he has received neither interest nor principal.

He desires that a banker may be directed to pay him regularly the interest, together with the arrearages, or, if more convenient, that he may receive the whole sum. This, sir, is what I have the honor to recommend to you, requesting you to do it.

I am obliged to absent myself from business with which I am charged, but shall return in two months, and then await your answer.

I have the honor to be, &c.

L. ANC. D’ORACZEWSKI,
Ambassador and Minister Plenipotentiary of Poland.

DUNKIRKE, July 36, 1792.

HONORED SIR:

I have the honor to inform your excellency that, since the year 1775, I have been entrusted by your predecessors, the honorable commissioners, ambassadors, plenipotentiary ministers of Congress at the court of France, with all matters concerning the United States at this port, as appears by my correspondence with Mr. Deane, Dr. Franklin, Mr. Jay, Mr. Adams, and Mr. Jefferson; in 1778, I was entrusted with the forwarding of two cargoes of gunpowder, and other warlike stores, from this port to Philadelphia. During the whole course of the war, I supplied, by order of said commissioners, all the American prisoners which had been brought from England, with money to defray their expenses to the different ports of France, where they shipped for America, and in these occasions amounted to a considerable sum. In 1781, being then at Passy, and consulted by Dr. Franklin, I penned the plan for the cruise of the American squadron, under the command of Captain Paul Jones, in which he took the English frigates Seraph and Countess of Scarborough, and other prizes, some of which were brought to this port, and others carried to Norway; and I was afterwards commissioned by Congress to claim the prizes taken by said squadron, detained at Bergen, in Norway, by a requisition of the British consul there. In 1783, being at Paris, at the request of Dr. Franklin, Mr. Adams, and Mr. Barclay, I was appointed arbitrator to settle the accounts between Mr. Beaumarchais and Congress, for the stores he sent to America during the war, and, by my award, reduced his demands of a considerable sum. On the first of January, 1782, Thos. Barclay, Esq. consul general for the United States, at L’Orient, appointed consuls of the other ports of this kingdom being then made sent me a commission, (of which I enclose a copy) to empower me to act as agent for the United States at this port, in consequence of which, I have ever since acted in that capacity, and rendered numberless services to the American captains, and other subjects who frequented this port, for all which services, I never received, nor demanded, any reward, commission, interest, or recompence whatever, except a thankfull acknowledgment from said commissioners, and their full approbation to all the transactions they entrusted me with.

Since your excellency’s appointment as ambassador for the United States, at the court of France, nothing material occurred at this port which merited your excellency’s attention, and thereby I have been deprived of an opportunity of making a direct application concerning the objects entrusted to me by your predecessors. But, having been informed that a certain M. de la Motte, concerned in the house of Messrs. Le Mesurier & Co. at Havre, who styles himself vice consul for the United States of America, has given a commission in his name to a Mr. Watson, an Englishman, late clerk in the said house at Havre, and lately established in the commercial line in this town, that I have corresponded with, and in which he has become interested in the business of the United States, I enclose you a copy of a letter which I have received which was sent to Mr. Watson, in the idea that no person was appointed at Dunkirk to act in the capacity of agent for the United States, in which I was invested by the power transmitted to me by Mr. Barclay, and by the approbation of your predecessors. I take the liberty to inform your excellency of these circumstances, and rely to you on your excellency’s justice, to appreohend that my zeal and my activity, and a perfect disinterestedness, your excellency would suffer me to be excluded from the appointment, and the preference given to a young Englishman, lately established in the commercial line, at this port, to whom the necessary experience cannot, with any judgment, beallowed. The inconsideracy of the interest of an Englishman in matters which may occur, concerning the common interest of the United States and this kingdom, is too striking to escape your excellency’s attention. If the administering of the proofs of the zeal, activity, and disinterestedness, which I have manifested in the different occasions where my interference between the American commissioners and the ministers of this country, has been found necessary, and which are consigned in the great number of letters which I received from your excellency’s predecessors, I am ready to give your excellency all the satisfaction that may be wished for, and convince your excellency that I am as ambitious to obtain your excellency’s confidence, as I have been to merit that of your predecessors.

I have the honor to remain, with great respect, honored sir,

Your excellency’s most obedient and most humble servant,

To his Excellency M. Morris,
Minister Plenipotentiary for the United States of America at the Court of France, at Paris.

L’Orient, January 1, 1792.

SIR:

The arrangements in the consular department not being yet entirely formed, I shall probably, at some future time, address you more particularly on the subject than I now do; and, in the mean time, you will please to consider yourself as appointed by me, agent for the United States of America, at the Port of Dunkirk; and act in that capacity, until some future consul, or myself, inform you, that the power I give you is expired. The business that will require your immediate care is that of attending to the wants of any of the American vessels whose commanders or supercargoes apply to you for advice and assistance to claim all American seamen, who may be detained contrary to their inclinations on board vessels belonging to any Power whatever, except their own country;
THOS. BARCLAY.

Mr. FRANCIS COFFYN, Dunkirk.

I hereby certify, that the above copy is conform to the original, reposing in my hands.

F. COFFYN.

No. 8.

PARIS, 22d August, 1792.

DEAR SIR:

My last (No. 7) was of the 17th instant. In No. 6, of the 16th, I mentioned the revolution of the 16th. I suggested my idea that the force commanded by Mousique de Lafayette would not be brought to immediate action, and that, in such case, he and his friends had nothing to hope for. He, as you will learn, encamped at Sedan, and official accounts of last night inform us that he has taken refuge with the enemy. Thus his circle is completed. He has spent his fortune on a revolution, and is now crushed by the wheel which he put in motion. He lasted longer than I expected. Some other officers tried to influence their troops in favor of the late constitution, but without effect. They are, it seems, yet to learn, that an officer has not complete possession of his soldiers, till rigid discipline has led them by the hand over fields of glory, in which he has shared their danger, and pointed them the path which he wants to tread. I hope therefore that you can be present when the President of Britain offers for peace to the King, what you are to consider as the last effort, and plans, they must hereafter take place. In the mean time, much suspicion, much jealousy, and many victims, are all in the natural order of things. I do not find that the Prince of Brunswick has made those rapid movements which the existent state of things required, and he loses much by the delay. He probably understands too well the business of war, and his hands are too heavy on the board where he is placed. His people are, however, full of national talent. I cannot, for a moment, suppose a possibility of beating him with the French army, if army it may be called, where there is no discipline; but, if he will not commit himself a little to fortune, it appears to me a very easy matter to defeat him within the time till winter shuts the theatre. We are now far advanced in August, and he has at most three mouths before him.

The day before yesterday, the British ambassador received a despatch from his court, which he immediately transmitted to the present Minister of Foreign Affairs, and, at the same time, asked for passports. This despatch has not yet been communicated to the Assembly, nor his carriage examined and searched. This violation of the rights of ambassadors could not fail (as you may suppose) to make impression. It has been broadly hinted to me, that the honor of my country, and my own, require that I should go away. But I am of a different opinion, and rather think that those who give such hints are somewhat influenced by fear. It is true that the position is not without danger; but I presume and respect as visionary the notion which Mr. Short had some time ago, and which I think is reasonable and right. The great object, however, was to get the money, and Congress was to fix the exchange. I told them to hear and adjust any disputes that may arise between officers and seamen to see that the subjects of the United States receive that protection to which they are entitled; and to transmit to the American minister at this court, and from me, to time from time, every thing of consequence that occurs relative to America; and every information which may be thought necessary. Your own judgment will inform you that something may occur to make your writing as complete as is possible, and that this will be, when any matter of importance arises necessary to be immediately communicated, and that an opportunity of transmitting it offers from your port, or from your neighborhood, by which loss of time will be prevented.

It is reported that Mr. Trenchard has made such arrangements for France as America may be, there being no fund that I know of to discharge such engagements, and the application for supplies of that nature ought not at present to be made to me.

I shall occasionally transmit to you such information as will be necessary, and should any difficulty arise in the execution of your office, let me know, and I will endeavor to remove it, and give you all the advice and assistance in my power. At the same time, accept you a name of the agents which are such as are appointed.

I have the honor to be, sir, your most humble servant,

THOMAS JEFFERSON, Esq. Secretary of State.

No. 9.

PARIS, 30th August, 1792.

DEAR SIR:

My last (No. 8) was of the 22d instant. In No. 6, I mentioned to you that I had not been able to adjust, with the Minister of Foreign Affairs, the rate of exchange which should govern the payments made and making in America, on account of our debt to France. And that I had not been able to see the Minister of Marine, to act with him the same which the Assembly had determined to apply, out of that debt, to the use of St. Domingo. You will have seen, by my correspondence with the commissioners of that trust, that the payment of six millions will nearly balance the account, according even to their statement of it, over and above the four hundred thousand dollars which are to be paid at Philadelphia, during the current year.

A few days since, Mr. Monge, the present Minister of the Marine, desired an interview, and, at our meeting, presented me a regular contract for payment of eight hundred thousand dollars, as being equivalent to the four millions of livres which I had already paid and as much more. I will not trouble you with the conversation, because it ended with a request, on his part, to meet Mr. Le Brun, the Minister of Foreign Affairs, and Mr. Claviere, the Minister of Public Contributions. This meeting took place yesterday, by their appointment. The same form of agreement was again produced, and Mr. Claviere, who was principal spokesman, mentioned my signing it as a thing of course. I told him that I had been authorized to settle with the late government the exchange of one-half of that sum, already paid and paying on this very account. He spoke of such settlement as the easiest thing in the world, and advanced, on the subject, exactly those principles which Mr. Short had refused to be governed by, and which I think is reasonable and right. The great object, however, was to get the money, and Congress was to fix the exchange. I told them...
Dear Sir,

My last (No. 9) was of the thirteenth ultimo. The object of this is merely to transmit a letter forwarded to me by Mr. Cathalan, who desires me to communicate the scarcity to my friends, and at the same time mentions, that last evening, between ten and eleven, he received a visit from some commissaires de section, who came to punish me for not having sent my bills due in the course of the last four months. I had no bills due, and had no idea of them, as I did not have a penny to my name. I was told, however, that the man who had promissory notes in my possession had been seized, and I would appear to be suspended, for the present at least, but as there is no real executive authority, the order may very easily be revoked, should it suit the views of those who enjoy the confidence of that part of the people who are now active.

I am very dear sir, very sincerely yours,

GOUV. MORRIS.

No. 10.

PARIS, 16th September, 1792.

THOMAS JEFFERSON, Esq.

My dear sir,

I have just received a letter from Mr. Pinckney, to which I shall enclose this, to be forwarded to you.

Last evening, between ten and eleven, I received a visit from some commissaires de section, who came to punish me for not having sent my bills due in the course of the last four months. I had no bills due, and had no idea of them, as I did not have a penny to my name. I was told, however, that the man who had promissory notes in my possession had been seized, and I would appear to be suspended, for the present at least, but as there is no real executive authority, the order may very easily be revoked, should it suit the views of those who enjoy the confidence of that part of the people who are now active.

I am very dear sir, very sincerely yours,

GOUV. MORRIS.
special agents; and I think that your appearance in a public capacity would probably induce the husbandman to enhance the price of his productions, and keep them back from the market. Your letter to Mr. Jefferson shall be forwarded by the first opportunity, and I think it most proper to convey the intelligence it contains in that public way, than to give private intimations which might enable the parties receiving them to make extraordinary advantages, where all ought to be on an equal footing.

S. Cathalan, Consul at Marseilles.

No. 11.

Paris, 19th September, 1792.

Dear Sir,

My last was of the 10th instant. I shall confine myself, on the present occasion, to transmitting copies of my correspondence with the ministry, on the subject of the conference mentioned to you in mine (No. 9) of the 30th of last month. I transmit, however, copy of what I wrote on the 20th of August, because the answer of the 8th of this month would not be otherwise intelligible. I will not, at present, make any comments on this correspondence, and I do not know whether I shall ever mention it again. I send you, also, as the best means of communicating the state of this city and kingdom, the short but lively picture drawn of them in the Assembly, by Mons. Masuyer, on Saturday last, the 15th instant, and the report made on Sunday morning, by Mons. Rolaud, Minister of the Interior. I wish it were in my power to communicate a more flattering prospect than is held out by these extracts. It gives me pain to think of it, and will, I am sure, give you pain to read, the distressing state of the country for which we have both a sincere regard. All which I can do, under present circumstances, is to be silent. Bad news have a flight so rapid that I will not add to their wings.

I am, my dear sir, very truly yours,

GOUY. MORRIS.

Thomas Jefferson, Esq.

Enclosure 1.

Paris, 30th August, 1792.

Sir:

I have the honor to send, herein enclosed, a letter which I have just received. The seal which is affixed to it indicates, in a manner not to be doubted, that it has been opened by authority of the Government. Such a proceeding, sir, discloses suspicions neither honorable to him who is the object of them, nor to those who are susceptible of them. I request you, therefore, sir, to put a stop to such violations.

I have the honor to be, sir, &c.

GOUY. MORRIS.

To M. Le Brun, Minister for Foreign Affairs.

Enclosure 2.

Paris, 30th August, 1792—4th year of Liberty.

Sir:

I now bring to your recollection the essential point on which we conferred together yesterday, only to convince you of the necessity of preventing the great inconveniences which would result from the pretended insufficiency of your powers. Upon the principle that you are not authorized by your instructions to treat with the new Government of France, your functions would be null at this present moment, and our colonies, whose urgent wants of supplies require our present solicitude, our activity, and zeal, would be at the point of being destroyed. I have the honor to observe to you, sir, that we have too high an idea of the sentiments of friendship and attachment of the United States for France, to believe that their representative could or should hesitate, under any pretext whatever, to contribute to the success of an arrangement begun by Mr. Short, the continuation of which has been confided to your care.

The suspension of the King, of his functions, should not change, sir, the dispositions of a nation with which we have connections of friendship and interest, and whose independence is our work. They know all the efforts and sacrifices we have made to procure it for them. We do not mention the matter to excite your acknowledgment, but your good will. I believe, sir, that you owed it to the French nation before it really took place; and if you should manifest it at the present moment, you would certainly fulfill the vows of your constituents.

But to return, sir: I ought to observe that the King is only suspended; besides, the Government being immovable, you do, or ought to abstain, no representative can, without an express order from his court or congress, agree to treat directly with it. Since the establishment of the new Government, you have not received from your constituents any order which can divert that measure; you might, then, sir, cause to be fulfilled the engagement entered into by Mr. Short, relatively to the eight hundred thousand dollars, which shall be held at our disposition in North America, for the purchase of necessary supplies for our colonies. If the facts I have just detailed do not lead you to alter the determination which you made known to us yesterday, I request you to be so obliging as to assign the reasons for your refusal in the answer which I shall expect from you, and which will serve me as a direction.

Mr. MORRIS.

The Minister for Foreign Affairs.

LE BRUN.

Enclosure 3.

Paris, 1st September, 1792.

Sir:

Your letter, of the 30th August, was not delivered to me till yesterday at four o’clock. I am going to answer it at once, and you do me the honor to say that you have left the engagement entered into by Mr. Short, relatively to the eight hundred thousand dollars, which shall be held in North America at your disposal, for the purchase of necessary supplies for your colonies. I have already observed to you, sir, and I now repeat to you, that the care of making the payments of our debt to France has been confided to Mr. Short, and that I have never been authorized to meddle in it. I venture to add, sir, that you have in your own offices the proofs of what I have just advanced. Your predecessors have told me that they had received from the Minister of France, at Philadelphia, the copy of a letter which Mr. Hamilton, our Minister of Finances, had written to them on the 5th of March. You will see, sir, that Mr. Hamilton therein says: "From the instructions which have been given to Mr. Short, from the known progress of his operations, and by some passages of one of his letters, of the 15th November last, I conclude, with certainty, that he has paid all the arrears of interest and reimbursements of capital, due to the end of the year 1791." He adds, (with regard to the four hundred thousand dollars agreed to be paid during the year 1792) "that there are no engagements, and that there is not a due". Here I think it my duty to observe to you, sir, that all the engagements entered into by Mr. Short will be fulfilled by the United States with the greatest exactness.

I must also, sir, request you to fix your attention to another very important fact which I have had the honor of mentioning to you. Mr. Short had left in the hands of our bankers at Amsterdam very large sums, for several months, in constant expectation of definitive arrangements with regard to the payments—arrangements which did not take place during his mission. On the 30th of July last, I mentioned to the commissioners of the national treasury, the impossibility in which I found myself of concluding any thing in that respect, until I had received the orders of my court. At this time, Mr. Short, on his part, pressed me to cause the commissioners of the treasury to receive the money which was at his disposal; and the commissioners, also, pressed me to make payment of
it. Therefore, having agreed with them the exchange by which it was to be regulated for the moment, (and excepting always the decisive arrangements to be made with the person who should be authorized for that purpose by the United States,) I requested Mr. Short, by a letter of the 6th of August last, to give orders to our bankers to pay to Mr. Hoguer, Grand & Co. bankers, designated by the commissioners of the treasury, the sum of one hundred and eighty thousand dollars, of the bank, which, at the said exchange, amounted to six millions, money of France.

You had the goodness to observe, sir, that, according to the account of the commissioners, there was due to France, on the 1st of July last, the sum of six millions and a half; that in that sum is comprised that of three millions one hundred and fifty-seven thousand seven hundred and fifty-eight pounds, which was not in the calculation of Mr. Hamilton, and of which a part at least is yet to be verified. You will also be pleased to observe, in the same account, the payments actually made in America are not comprised, which will make an additional sum of more than two millions. Hence it results that, in every statement of the case, the reimbursements to be made to the present time, are all acquitted. I further observe to you, sir, that I am in nowise authorized to dispose of the sums which were or may be in the hands of our bankers at Amsterdam, and that all that I have done or that I have been able to do, has been to address myself to Mr. Short, who, alone, still has the management of it.

There yet remains, sir, to be brought to your recollection another important fact, and which is found to be proved in that same letter of Mr. Hamilton, which is, that, on account of the extraordinary expenses occasioned by our war against the savages, it was impossible for him to promise the payment of the sum of four hundred thousand dollars, at earlier periods than those agreed on, and of which the last is on the 1st of December, 1792.

You can judge, sir, from what I have just mentioned, whether it is possible for me to go further than the offer I have made you, of using the most lively solicitations to importune for the purpose of engaging it to grant the relief you require of me; an offer which you have refused to accept.

As to the suspension of the King, sir, you certainly must be sensible, as well as myself, that a minister has a right to express no sentiment whatever, without the previous orders of his nation. And, when I spoke to you on the subject, I did not wish to express to you any thing concerning it, but only, when you insisted, to lead you to perceive, that, if it were possible for me to have ventured to compromize myself, by consenting to the pecuniary arrangements which you desired, and which have not been confided to me by my court, you could not claim from it the execution of my engagements; because, that, in acknowledging your authority, it might reply to you that you should have waited for new letters of credence.

In the letter which I have had the honor to write to you, the 21st August, I informed you, sir, that my intention was to remain at Paris, but the style of years of the 30th August, imposes on me the necessity of requesting a passport from you, that I may leave France. I shall travel with my horses a short journey, and shall take the route for England, by way of Calais. I leave here my house, my secretary, and part of my equipage, till I receive orders from the United States.

I have the honor to be, &c.

M. LE BRUN.

Enclosure 4.

PARIS, 8th SEPTEMBER, 1792;

4th year of Liberty and 1st of Equality.

SIR,

I have received the letter which you have done me the honor to write to me, and I have obtained the opening of a letter, the superscription of which is addressed to you, at Paris, and stamped Spa. I immediately communicated your complaint to the majority, and you may be assured that attention will be paid to it.

I have been satisfied that you have had credit, and that you may have a further letter than the one you mention, from the personal correspondence such an event would not have been committed, and I believe you are too just, sir, to view the opening of your letter in any other light. I shall add, that there has not been the slightest intention of derogating from your person, and the character with which you are clothed. Besides, you represent a nation, to whom we are united as much by the ties of friendship as by commercial connexions, and a sameness of principles.

We are also, sir, too much led by inclination to maintain the good harmony which subsists between the two people, not to observe, exactly, every thing that tends to a reciprocity of friendly proceedings. I request you to be convinced, in like manner, of the sincere attachment with which I have the honor to be,

Sir, your most humble and most obedient servant,

M. LE BRUN.

The Minister for Foreign Affairs.

GOUV. MORRIS.

PARIS, 16th SEPTEMBER, 1792.

4th year of Liberty.

SIR,

I have, in the answer which you have given to the letter I had the honor to write to you on the 30th of August last, that you have not taken the true sense of certain expressions which it contained, relative to the existing circumstances. My object in speaking to you of the present Government was to prove to you that, in France, it never can be dissolved, nor lose any part of its gravity, as long as the nation shall exist. From this just andcontestable principle, I thought that you might reside at Paris, and there wait for new letters of credence, and new instructions from your constituents; in a word, to continue to treat, without interruption or delay, of the affairs which interest the two nations.

You ought to be persuaded, sir, that you had found us very ready to give you satisfaction on all the points which might have been made in justice and reason. And as, without doubt, you never had presented others, the result of your correspondence of you and me, might have been followed with the success you had desired.

As to the idea you appear to have, of quitting the present Government, it is not a fact, in support of the principle I have cited to you above. It is this. When the inhabitants of North America resolved to separate from England, and to obtain their liberty, they sent to France representatives to negotiate with the Government, which made no difficulty in entering into, speaking of, and even concluding with them a treaty of amity and commerce, as well as a treaty of alliance. Sarecly had the United Provinces appointed a Commission, when Dr. Franklin was acknowledged by us in his quality of minister plenipotentiary. He was admitted, with all the respects due to him, the audiences of the court, and of the minister. France sent and accredited, also, on her part, a minister to Congress.

Neverthelesse, sir, you know that, at that epoch, fixed measures had not yet been taken for the establishment of a Government in America, and it could not have any solid existence, while the war continued there for the cause of independence. All the powers of the government of that of your country, at that time, are, then, very different: of which you will be convinced by the following fact:

Before your Revolution, we had a Government which has always subsisted since. It is true, it has assumed another form; but liberty, the salvation of the country, has thus determined its creation. Besides, you, sir, who are born in the midst of the most politic and most famous people of the world, and who have a knowledge that of all the foreign ministers residing at Paris. We support the same cause as that of your country: then our principles and yours should be the same, and, by a series of natural consequences, no reason can be opposed to your residence at Paris.

I wish, sir, that this relation of facts, with which you are as well acquainted as I am, may engage you to reflect again on the matter, and determine you to change your resolution.
FOREIGN RELATIONS. [1794.]

Whatever it may be, Sir, I have caused to be expedited the passport which you have requested; it is now with the municipality for the fulfilment of the formalities. I am authorized to bid you farewell.

You will see, Sir, by the enclosed extract of the reply of the minister of public communications, that you have almost an entire satisfaction on all the points contained in your letter of the 21st of August last. I have the honor to observe to you, that the little personal accidents which you have experienced relative to your effects, your wines, and so forth, are in the consequence, as you know, of the agitation inseparable from a great revolution.

I have the honor to be, with a sincere attachment, Sir, your most obedient and most humble servant,

The Minister for Foreign Affairs,

LE BRUN.

Mr. Morris.

Enclosure 6.

PARIS, 17th September, 1792.

Sir,

I have had the honor to receive your letters of the 8th and 16th. From the explanations contained in the latter, I shall pay no more attention to that of the 30th August, and, as it was that which had determined me to quit France, I have concluded to remain here, and to wait the orders of my court. As to my personal opinions, Sir, they are unimportant in an affair so serious, but you may be persuaded that I have never doubted the right which every people have of forming, to the best of their judgment, as they pleased, the system of society that was most consonant with the sentiments which France might enjoy full liberty, and all possible happiness; and I am sure of fulfilling the intentions of the United States, in assuring you that all my countrymen participate in them.

I have the honor to renew to you, Sir, my request for the interposition of the country. By proving my situation, it will secure me against the interruptions which might be experienced in the present moment.

I have the honor to be, &c.

GOUV. MORRIS.

Monsieur LE BRUN.

Enclosure 7.

PARIS, 17th September, 1792.

Sir,

I have received your letters of the 9th and 16th. From the explanations contained in the latter, I shall pay no more attention to that of the 30th August, and, as it was that which had determined me to quit France, I have concluded to remain here, and to wait the orders of my court. As to my personal opinions, Sir, they are unimportant in an affair so serious, but you may be persuaded that I have never doubted the right which every people have of forming, to the best of their judgment, as they pleased, the system of society that was most consonant with the sentiments which France might enjoy full liberty, and all possible happiness; and I am sure of fulfilling the intentions of the United States, in assuring you that all my countrymen participate in them.

I have the honor to renew to you, Sir, my request for the interposition of the country. By proving my situation, it will secure me against the interruptions which might be experienced in the present moment.

I have the honor to be, &c.

GOUV. MORRIS.

Mr. Roland, Minister of the Interior, spoke nearly in the following words: Charged, with the place which is confided to me, with a general superintendence of the police of the kingdom, I have thought it my duty to trace the cause of the disorders of Paris. This matter, gentlemen, merits all your attention, because it brings into question the support of liberty. It is reported in Paris, that, since the 4th of this month, four or five hundred persons have been arrested, and that the prisons are as full as they were before the 5th September. I have had these facts verified; they are true. But the prison book has not been found. I have demanded who the persons were who gave orders for these arrests; nothing being required that the orders should be presented to me, and I did it with authority; and I have seen and discovered that it was, at one time, the municipality, then the sections, then individuals, then the people, without designating what citizens, what part of the people. Some of these orders show the reasons; the greater part of them do not show any. I judge neither persons nor things, but I have conceived it a duty to bring these matters to the National Assembly; and I deposite them in the office.

No. 12.

PARIS, 16th September, 1792.

Mr. Morris.

Sir,

My last (No. 11) was of the 19th: I therein transmitted copies of my correspondence with the minister, respecting the subject of the conversation mentioned in mine of the 30th of last month, of which, as well as those of the 17th and 22d, copies are here enclosed. I think it proper to mention to you now, a circumstance relating to that conversation, because it may explain transactions concerning which I have been accused. It appears that private speculation was at the bottom of the proposals made to me, and the extreme urgency which was exhibited by one of the conferees, who had been designated to me as concerned therein, tended, not a little, to confirm the information I had received. The wrath excited by the unwillingness on my part to jump over all the hedges of my powers and instructions, did by no means lessen, but came in support of what I had foreseen. Since that period, I have been asked, by a person who said he was offered a bill drawn by the Government here on the treasury of the United States, whether such bill would be paid. I expressed my surprise therein, and was told that this bill would be for the sum decreed by the Assembly, to be employed in purchasing supplies for the colony of St. Domingo. I observed therein, that it seemed a strange procedure, either to sell or buy such a bill; because the vendor could only employ the money in America, and, of course, need not risk a draft, and the purchaser, who must make the expenditure thereof, could not, I supposed, find his account in the transaction. This led to an explanation. The bill was to be paid, they said, at par, six or nine months hence, and its proceeds have more than covered the purchasing manufactures, suitable to the colony, in this country. I told the person who applied to me, that I did not think this should be considered, in America, as falling within the decree, and that no good reason could be assigned for paying, under great disadvantages, in the colonies, what could, with advantage, be expended in the United States, but in France. At length, the true object of this application to me came out. I discovered that it was merely a scheme of speculation, to be carried into effect if I could be induced to recommend the payment, under what was known to be a favorite idea with me, viz: the expediting in America what we owe to France, and for the support of the colony of St. Domingo. As my concurrence could not be hoped for, I believe that the plan is abandoned, but perhaps it is only abandoned in appearance.

I also take the liberty to enclose the extract of a letter from Mr. Short, respecting Monseur de Lafayette, with my answer thereto. I understand that he was forwarded from Luxembourg, (possibly) on the route to Vienna, and had got as far as Brisgov several days ago. I presume that his treatment will depend very much on the success of the military operations. If the allied monarchs, finding themselves disappointed in their expectations from the present campaign, are obliged to look forward to more extensive and more permanent efforts, they will, probably, endeavor to gain one of the greatest parties of the grand army. To prevent their attempt, as far as possible, they will employ their ingenuity, or feititions, they will naturally consider Monseur de Lafayette as the most fitting instrument to be employed; and he will, as naturally, desire to aid in the establishment of the party and the principles which he considers as true support of his rights and his country. For you will observe, Sir, that several of our parties considered the Assembly in 1789 as an usurper, the leaders of that assembly affixed to the Jacobins the same charge of usurpation; and now, the leaders of the last revolution are charged by some of their brethren with feititionism. You will see, by the gazettes, that there is the same enmity between the present chiefs, which prevailed heretofore against those whom they considered as either of the present par-
ties should get the better, they would, probably, remain divide; for party, like water, is divisible ad infinitum, because that which is divided is dissolved. If human opinion can never be tried by any common standard, it is not to be avoided that there should be differences among different men, but it is even uncommon to find, in the same man, the same sentiments for a continued length of time, though upon the same subject: for either the circumstances change or else themselves.

You will see that the King of Prussia has made some overtures for treaty, which were not listened to. I consider the offer as a mere military manoeuvre, because it is not possible that treaty should succeed in the present moment, and because preparations are making for more vigorous efforts the ensuing campaign. I am told that both Sweden and France will attack at the same point in the army of Great Britain, should that be come necessary. On this last subject much may be said. Of the King’s personal opinions there can be no doubt, and I have some little reason to believe, that not only his ministers, but the great mass of property and interest in that kingdom would readily embark in a contest to crush opinions which are considered as fatal to the peace and honour of the nation. Nevertheless in consequence it is right to suppose that the events which ought to be expected are not well founded. On the other hand, there is a party in England, not insconsiderable as to numbers, and very important from the activity of its members, who, joining to high notions of civil liberty some mixture of the��

The crop in Sicily was short, that of the southern provinces (always insufficient) is much less usual. The supplies usually drawn from the coast of Barbary (I am told) will be totally cut off by those Powers, who, in consequence of the affair of the 10th of August, mean to break with this country. The commerce of the whole of the Mediterranean north and east, if not possessed by the enemy, will be totally exhausted by the two armies; and Poland, whose grain I hear is shut up till next spring, will be engrossed by the enemy to furnish his own magazines. I consider it therefore as next to certain that the want here will be very great during the ensuing year; and as this must, by the end of December, become apparent to everybody, most other resources will then be shut by the hand of my master’s speculation. Hence it would seem that our merchants would act wisely in sending hither cargoes of flour, and I have but one apprehension in recommending it, which is, that (from the laxity of Government) property of that sort may become precarious. Since the power has got so high as to oppress the poor and yet it must rise, or else the merchant will suffer, because the exchange cuts off a great proportion of what he receives.

I submit, my dear sir, to your better judgment, all these ideas, persuaded that you will turn them to the best account, and I pray you to believe in that sincere regard with

I am, yours,

THOMAS JEFFERSON, Esq.

FRANCE.

Extract of a letter from Mr. Short to Mr. Morris, enclosed in the preceding number.

THE HAGUE, September 7, 1792.

DEAR SIR:

I have now to communicate one to you of a very different nature and altogether I have not confided of itself of what can be done in it by us with any hope of success, yet I lose no time in informing you of it, as I have been engaged to do, in order to concert with you and Mr. Pinckney, conformably likewise to request, the measures to be pursued.

You are no doubt informed of the circumstances of M. de Lafayette’s arrestation and confinement. He and his companions have been hitherto delivered to the best body of his friends and those most acquainted with the dispositions of the Government there, and the best informed here) that they would be released immediately on an answer’s being received from Vienna. On the contrary, before that answer could have been received, orders were given for sending M. de Lafayette and the three members of the former assembly accompanying him, to Luxemburg, for detaining the others at Nivelles, and releasing such as had been imprisoned the day after M. de Lafayette, and who had also been brought to Nivelles. Under these circumstances, which would seem to indicate no intention in the Government to release those whom they now detain, manifestly in contravention to the principle existing of allowing the peaceable and unarmed citizen, to pass as travellers through the two countries, I have been pressed to concert with Mr. Pinckney, and that of Mr. Lafayette, in the name of the United States, as a citizen thereof. I am urged to this by some officers, his friends and former companions, who arrived here, and by a letter from himself, which is short, but pressing in the extreme.

Whatever should be done in this affair, however numerous reasons and whatever is possible in a case of this kind will no doubt be considered as proper. I therefore submit it to you, as I shall do to Mr. Pinckney, under the urging request above mentioned. I am persuaded you will both weigh the matter as it ought to be, and suggest some means of acting with propriety and efficacy if there be any. I shall be anxious to hear from you, and to prevent delay, imagine you will find it proper to communicate directly with Mr. Pinckney on the subject. I can add nothing to the considerations which will naturally occur to you on this distressing occasion, and which the companions of M. de Lafayette, who are here, represent as dangerous to him.

Trust, however, on their efforts are exerted by the interest they take in what concerns him, and cannot help flattering myself that the Austrian Government, from a regard to their own character, will not extend this violation of the most sacred principles of right and justice further than to a mere detention of those gentlemen, who fled from their country because they would not partake of the atrocities which the same Government have held up as the motive for their flight. But these violations which have been committed, and the persons now detained prisoners notoriously combatt, and are exiles for their having so done. In this exile and proscription they abandoned their arms, and asking only a peaceable passage through the country whose Government has treated with such severity and such wrong, it is a proper and protect them. I understand they are receiving this passage to which every right entitled them, were arrested, imprisoned, and are still detained. History and posterity, the supreme tribunals of sovereigns, will know no doubt avenge such a violation of the solemn promise made by the allied sovereigns, and by those who proclaimed it in their name. Being persuaded myself, however, of the en masse, as they have done the Emperor at his request, I shall not undertake to believe that the passage to neutral territory, which was asked by these gentlemen, after having quitted their arms, and passed the frontier, could have been refused them. Yet, if I should have mistaken the character of the Imperial Government, I join my request to that already made, that you will weigh well this matter, and communicate to Mr. Pinckney and myself your sentiments.

W.M. SHORT.
FOREIGN RELATIONS.

Extract of the answer of Mr. Morris to Mr. Short.

PARIS, September 12, 1792.

DEAR SIR: I proceed to the next object of your letter. The situation of M. de Lafayette I have long lamented, and since these last disasters I feel more than ever a desire to alleviate his distress. I had already meditated on the circumstances in which he might be placed, and his imprisonment was among those events which appeared not improbable. But when the news of the prisoners came abroad, and particularly M. de Lafayette, I offered in his behalf to intercede with the Emperor, in the person of a friend of mine, the Marquis de Moustier, a person of much influence in court circles; and the Marquis, after some hesitations, as I believed, on the Emperor's part, has given him leave to intercede. The Marquis has been with the Emperor, and I have reason to believe that M. de Lafayette, in the person of his father, is now in the Emperor's study, and it is probable that he will be released. We have no means of knowing, except the Emperor himself, what influence M. de Moustier is likely to have, or what in his relief he can expect from the fact of his being a prisoner of war; it is certain, howev-er, that the Emperor is of the opinion that the suffers of the war, as well as the Emperor himself, are squadled by the presence of these great men who have been abandoned; and it is probable that he will take the advantage of the present state of things to relieve them. In the meantime, I believe, the Emperor will not be bound to pay them for having attacked a neutral power, or else by the very act of acquitting him declare war against those who had taken him? Can the United States interfere in an affair of this sort without making themselves parties in the quarrel? But M. de Lafayette is a Frenchman, and it is as a Frenchman that he is taken and is to be treated. Again, supposing the right as clear as it is questionable, I presume that before the United States made such demand they would determine to go all lengths to establish their right, in case it should be refused; for otherwise, by advancing the claim and then receding, they would sit down quietly under an insult. Consequently they would consider well before they placed themselves in a situation to be disdained, or else drawn into a war. These are points of such magnitude that I do not feel myself competent to decide on them in behalf of my country, and therefore, if I were minister to his Imperial Majesty, I should (l think) confine myself to prayer and solicitation, until I received express orders from the President of the United States. But as I am not minister to the Emperor, and the President of the United States cannot be acquainted with the secret affairs of the French Empire, I cannot ask him to send them to me; and it is, I think, better for the President of the United States and myself to do nothing; but cases often arise in which to do nothing is taking a part. I need not state the many situations of that sort which I have. I had it in contemplation to leave Paris and visit Bordeaux and Marseilles; but I found it necessary to continue here for the sake of such of my countrymen as were in this city, and who might, in the madness of their condition, be led by their feelings to take part with the enemies of my country. I myself, as an Englishman, who remained after Lord Gower went away, found it so difficult to obtain passports, though possessed of such letters as I have said, many, after waiting for weeks in fruitless attendance, went off at all hazards without them.

I informed you, in my last, that I believed the plan for speculative on the sum appropriated to the use of Mr. Domingo was abandoned; but a further attempt was made by the minister, who pressed me again on the subject, and I, of course, again declined, referring him to Mr. Short, who, in fact, is alone empowered in that respect. What they may have since done I know not. The intercourse with Holland is much interrupted just now, and a letter which Mr. Pinckney forwarded for me, by Colonel Smith, from Mr. Short, and which was put into the post office at Dieppe, has not yet come to hand. I suppose that it relates to Monsieur de Lafayette, who is, I am told, at Wesel, and, of course, in the power of his Prussian Majesty. The gazettes will inform you of the case of the Prussian army. I have been told, on good authority, that the cannonade of the twentieth of September was only to amuse; that, during its continuance, the Duke of Brunswick made a masterly movement by which he opened to himself the roads to Rheims and to Chalons. That the French army has so much in its power that he might either have driven them away and dissected them with dis disadvantage, they would risk an action, that he would have cut them to pieces. And why didn't he? To this natural question two answers are given. It is said that the plan fixed for the campaign was, that the King of Prussia, at the head of his army, should form on a wedge, of which two columns of Austrian troops should form the wings, and the French troops in the center, to penetrate the Austrian lines on the Hohenlohe, to penetrate, after making Thionville and Metz, to Chalons. That, by this means, the magazines, sick, and wounded, of the three armies, would have been completely covered, and the police of the country been maintained. It was upon this plan that the Emperor formed his army; the French were to do nothing, at the same time, to make a powerful diversion, or to penetrate, as circumstances might permit or direct, from the Brisgaw. You will observe that all which depended on the Austrians, in the plan above supposed, did completely fail, and that, in consequence, if the King of Prussia had advanced any further, the French would have closed in upon his rear, and, of course, his sick, his wounded, and his magazines, would have been sacrificed; perhaps his retreat cut off. It is said that the three days consumed in treaty were to give time to the columns in question to advance, and, by their demonstrations, to drive off the corps which infested one of his flanks and menaced the other, and to show, in the meantime, that he had not advanced, by stipulating that the army which nature opposed to his march had disentangled himself from the Ardennes, and was complete in force, and in view of the two great plains of Champagne, the one leading by Rheims, and the other by Chalons, to his object. It is said that, without the aid of the columns in question, his further progress would have been useless because he could not detach to the right and left so as to cut off the communication between this city and the southern and western parts of the empire. To this, it is added, that a season, of which there is no parallel in the memory of man, and diseases, beyond all reasonable expectation, had almost crippled the Duke's army before he could extricate
himself from the defiles, and drive off the parties which were in possession of them. This is one solution of the events which took place subsequent to the 20th. Another is of a different nature: it is said that Monseigneur Dumouriez, convinced that an opposition to the combined forces must prove unwarranting, and supposing that the rivalry of Austria and Prussia must fail in producing any decided effect by being only a dissipation of energy, would have the French army be the editor of the event; that the French government would pursue its own separate interests, when occasion should offer, without much regard to previous stipulations, and would, in fact, rather sacrifice somewhat even of its particular interest, than aggravize, in any degree, a rival, sure from ancient causes to be the Prince of Prussia; and thus prompt the King of Prussia to continue the war with the King of Prussia. That at length he succeeded so far as to show that Prince that the present was a favorable moment for giving a final blow to the House of Austria, and that France and Prussia would find immense advantage in an union by which he might take up again the business he had abandoned in Pirna and Upper Lorraine. Austria, which was almost starved every day by her expenses, and which, more certain, would be found in a subsidy of two hundred millions of livres, and that he must see the danger of the war in its present situation, and might thence the more easily estimate the advantage of abandoning it. These reasons are said to have had the desired effect, and that a kind of treaty was actually suspected, either a general article of war, or a definitive peace, but the thing is to be considered as unimportant. I have been told further, that the French Executive Council here will not confirm that part of the bargain which relates to the subsidy and the royal family, saying, which is true enough, that they are, in this respect, without authority.

But now we come to the movement upon the Rhine, where it is possible that it may be well founded. A lady, I think Madame de Guise, but certainly the daughter of Madame de Polignac, is said to have made an impression on his Majesty, who, it is seen, very susceptible of violent, though not of lasting, affection. This young lady is said to have been ill treated by her mother and others who are among the principal aids of the King; and, I have already communicated to you the state of things here in what regards subsistence. The country, late the seat of war, is totally consumed; never abundant, it is now so bare that the inhabitants will be reduced to the utmost straits; and although the northern frontier is not yet in the same state, it will be reduced to subsistence, at least to a state of the most partial subsistence. This army is now very numerous, and, from the want of discipline, consumes much more than is usually allotted to one of equal number. It is, furthermore, very sickly, and of course the followers will be greatly increased. If he can penetrate into Flanders and Brabant he not only saves the provinces, which would have been sacrificed to the exigencies of the revolution, but he has the opportunity of forming the most advantageous of combinations, which may be effected by a very small number of the people, while supported by a victorious army, he oblige the Emperor to confine his efforts to a single side of France, namely, that defended by the Ardennes in part, and in part by the Rhine. And on this side it will be difficult to name which of these combinations may continue in their present mind. These objects justify some risk by M. Dumouriez, and he is better able to calculate the extent of that risk than any mere spectator, because he has long had intelligence in that country. The undertaking is not, however, without considerable difficulty. There are not, indeed, any strong towns in his way, but there are three strong positions, of which the first is near Mons, the second, still stronger, on a hill, about six miles to the north, to the best of my recollection, between Mons and Brussels, and the third not far from Brussels itself. The military face of that country is, you know, understood by all military men with perfect exactness, having been the theater of war for a century and a half. The Emperor cannot cause the disciplined armies will be made use of by those who are to defend it. Add to this that we approach the end of October, and the weather is now just flattened with fine weather, it is not to be expected that those who go due north will meet with warm nights and long days in November. A failure, therefore, must be fatal to many, but this is little thought of here now, because they think they can replace them in the next year. Fortune, however, has so arranged that the French arms in a manner unexpected to themselves, and it may, perhaps, continue to do so. Much of this is, in my opinion, owing to the folly of their opponents, who seem to have fostered the determination to reduce them under a military despotism. The Divine justice will never, I hope, permit such impositions to succeed; and I always consider princes and generals and statesmen as mere instruments, and generally held instruments, in the hands of the Almighty, to work out his ends by ways which are, for the most part, inscrutable to us. I do not say anything about the incursions into Savoy and Germany, both brilliant, and the former of which bids fair to extend the French revolution, and the latter appears to have been more detailed and since discovered by the Convention.

As to the domestic affairs here they are by no means quiet. The great majority of the Convention is united, in opposition to a few members, who are joined to some chiefs in this city, and meditate further revolutions. They aver that those whom they call the Brissotines had no wish to overturn the monarchy, but only to get the levies and their resources, and perhaps, to give some credit to the 10th of August. They resolved, therefore, to be the champions of the people; but contrary to their wish; that having happened, they did, indeed, take advantage of it to obtain the executive power for their particular friends; but that, even then, they would not consolidate the revolution by destroying its enemy, and that on the 20th of September, they were defeated on the second of September and the following days, and which those, who now solely enjoy the fruits of it, pretend to blame. The Brissotines, on the other hand, contend that the true, the alone are the true friends of republican government, for which they have incessantly labored ever since the second Assembly met. That the attachment they professed to the late constitution was only simulated, and was necessary to prevent their attack up and have their infamous decrees, they convey kept in view the advantage to be gained by obliging the King either to sanction what, though agreeable to the popular wish, was contrary to the constitution, in which case the constitution would have become a dead letter, and have left the field of contest open between the King and the Legislature; or else, if the King withheld his sanction, it turned the voice of the people against him, and left it, in consequence, exposed to a successful resistance. It was now, therefore, present. That it was, in short, who brought forward the plan of an army of twenty thousand republicans under the walls of Paris, and who took private and effectual measures to bring that army into the field, if, as was anticipated, the Convention should be defeated. That it was at this time that Dufurt, the author of the massacre of Marsiellois, and other Federes, were on the spot to execute the plans of the tenth of August, &c. These are the outlines of the arguments made use of on either side to convince the public that each is exclusively the author of a republic which the people find themselves possessed of by a kind of magic, or, at least, a slight of hand, and which, nevertheless, they are as fond of as if it were their own offspring. To these main arguments are added a number of subordinate ones, with all the little accessories of time, place, and circumstance. The majority of the Convention, however, deficient of the people of this city, and apprehensive that they may take it in their heads to make another revolution, have judged it was of the greatest importance to have called (private) town meetings from the different departments. This now forms the bone of contention, on which will settle the arguments. I think it is a false stroke in politics, though, as a peaceable citizen of Paris, and interested in the preservation of that city, I am personally agreeable to me. On the ground of argument it is clearly a feature not republican, and contrary to the constitution of France: a distribution of things which was not sanctioned by the Constitution, and hence it follows again that either the interests of the capital and the provinces are different, or else that the measures in contemplation are contrary to the inclinations of both. But it is not, I think, on the ground of theoretic arguments that the opposition has any determination to make a guard of this sort. A guard of this sort evidently draws a strong bond of line of separation between the city and the Convention. It gives means for operating on the people to those who are opposed to the Convention. It is among the things to be calculated on that the guard, after it has been here some time, should catch the spirit of the city, be that what it may. In such cases, instead of protectors, they will find enemies in their guard, but admitting that this should not happen, if the guard be feeble, it will be overawed; if strong, those who can influence the guard, will command the Convention, who, in this case, will only have changed masters. If any little check should happen on the frontiers
Dear Sir:

I have received your favors of the 12th of July, and fifteenth of October; the last reached me yesterday, by express, from Belle-Isle. I am astonished to find that, so late as the 15th of October, you have not received one of my letters. I am convinced that every part of the case, except the single one involving absolute pecuniary rights, but there is no reason for the negligence of those one is obliged to employ in the ports. I shall transmit you, herewith, copies of Nos. 1, 2, and 3, although the time which has elapsed will have reduced them to the value of waste paper, excepting the last. I have written to M. Merlino, but have received no answer, and really now where to find him; I shall, however, keep a look out.

When I mentioned supplies to St. Domingo, I certainly meant that such supplies should be purchased by French agents in the United States, and that the money should be advanced by us in diminution of our debt, upon such terms as should be fixed in the treaty of amity and commerce. In the meantime, I could not, of course, agree to an advantage of expending such large sums in the purchase of objects, the growth, produce, and manufacture, of our country, and of its industrious inhabitants. As to specific supplies I had declared, in pointed terms, that the American Government would, by no means, enter into stipulations of any kind, with relation thereto. I am happy to find that on this occasion, my sentiments have so fully coincided with yours.

I give you also great relief to be informed that, until further orders, the payments are suspended. You will have seen, on that point, I have been hard run and I do assure you, if fear or interest would have induced me to act otherwise, you would have been receiving supplies of duty on a scale unexampled. There would have been no particular, and you may rely that I shall not communicate your present instruction respecting our debt, unless I shall be of opinion that it will become serviceable to the honor or interest of the United States.

With concern, I am, Sir,

GOUVERNEUR MORRIS.

No. 14.

PARIS, December 21, 1792.

it will be too unpopular to keep a considerable body of men for parade who might be useful in camp; and, as soon as they go, the people rise at once to resent the insult offered to them. It seems probable, therefore, that this guard will be among the reasons why the convention may leave this city, and that would give a very serious shock, in many ways. It is to be noted also, that, when they take up the report on a form of government, the opposition will have the opportunity to point out those defects, lest those may not. To these leading points I might add a thousand little things, but you would be tired of such particularities.

With respect to the present temper of the people of this country, I am clearly of opinion that the great decided effective majority is now for the republic. What may be the temper and opinion, six months hence, no prudent agent can foretell. Much will depend on the result of the elections which are to be presented by the Convention. If vigorous, it is very problematical whether the departments will adopt it, compel it by a sense of impending exterior danger. If feeble, it is, humanly speaking, impossible that it can control the effect of the people in the present instance. This will be sufficiently by the fate of the late constitution. Whether they will be able to strike out that happy mean which secures all the liberty which circumstances will admit of, combined with all the energy which the same circumstances require; whether they can establish an authority which does not exist, as a substitute (and always a dangerous substitute) for that respect which cannot be restored after so much is lost; whether, in the event of this, they will be able to resist the tottering and uncertain base of metaphysic philosophy, to establish a solid edifice of morals; these are questions which must solve.

I am, ever truly, yours,

GOUVERNEUR MORRIS.

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GOUVERNEUR MORRIS.
and the French party, or that those were desirous of levelling the nobles, and above all the church, which possesses, as you know, the greatest part of the Flemish territory. On the return of imperial authority, after the revolt under Vandemoort and Van Eupen, the second party above mentioned naturally enough fell in with the Government, as they had already experienced no little tyranny from the priests and monks, and were less likely to dread the prevalence of French ideas. But these persons, who having long enjoyed their charter, and probably were some of the adherents of the Emperor, would not be likely to yield to the wishes of his friends, who were still open. They hoped that the war (whose avowed object on the part of France was to drive out the house of Austria) would induce the Emperor to cede the points in controversy. The cabinet of Vienna (on the other hand) believed that the French, if once engaged, rather than withdrawing would press on four fronts; for his affairs had materially changed, it was too late to retract, since the concession of weakness neither connotes affection, nor commands respect. The agents of the different parties, who had preserved a connexion more or less direct with Dumouzin, were urgent with him to go into Flanders, as soon as the Russian army began to retreat, and he advanced. His private desire was soon understood at Flanders, and there was nothing to be done at home, where the Emperor believed that all things topsy-turvy, and who, being happily secure against the possibility of loss, because they have nothing to lose, are always the ready instruments of mischief to those who can bring themselves to use them for destructive purposes. He, therefore, published a proclamation, which may in few words be translated into an order to be free, according to his ideas of justice. As in wars of conquest, by advancing with three armies, the least of which was equal to all the force which the enemy could muster, and the centre (which he commanded) was double to what was spread over the different parts of that level country. At the affair of Jemappes, he commanded eighty-six thousand men, and in the summer, eighty thousand men; he therefore hoped for success.

In the mean time, the Emperor, who had already committed himself to the French, and had exhibited the least respect, had been flattered by the Emperor, and expected a less energetic and less generous reception than he had given to the Austrians, but this was as much a subject which I must treat separately, and, therefore, merely mention it in this place. The other circumstance was, that the ministers and agents they had employed in London, assured them that, although the declaration respecting the Schelond had occasioned much alarm, and irritated at the same time the British cabinet, yet they might rest assured that all was well. The Dutch, in fact, did not return from their auxiliary campaign, but only the French, and were partly employed in the Low Countries, and partly on the frontier of Germany; the Emperor was determined to abandon his design upon the Netherlands, and turn his arms to another quarter.

This he refused to obey; but, being reiterated, and things here being a little different from what he hoped, he has within these few days submitted; and I shall come to this part of the history presently, and here I will conclude as to Holland, by adding that the Emperor has not yet been able to gather the troops, it is not hard to conceive that the Emperor would have told that the time is not favorable; that they will certainly march that way by and by; but at that, present, they have not sufficient force nor supplies. You will observe that Mr. Le Brun declares to the Assembly, that they are guiltless of the attack, and have not been unjustly treated, so that the Emperor believes that the British ministry are exactly informed of the contrary; but, be that as it may, they rely on what I relate to you. In respect to the Flemish, before I leave them, I must tell you that their ancient hatred to the French is all revived, and (is possible) more violent than ever. Several reasons for this appear from what I have already said; but there is one cause affecting equally all the neighbors of France, and which it may be well in this place to mention. It would seem, at first sight, somewhat strange, that the people in the world the most amiable at home, should be the most disagreeable abroad; but this is strictly true. The morals, or rather the want of morals, in this country, places every one at a loss. The French are virtuous if he pleases, but there are not many either to be, or to appear so consequently, both good men and bad men enjoy the society of Paris. But when the French go abroad, they desire to introduce among other people the same free and easy principles, which do by no means suit the taste of those who consider a chaste and orderly deportment essential to the peace and happiness of civil society. I have already said, that the French people are the most open and most free of all nations; the most free and open of all nations, and the most free and open of all nations, this is a foreigner, and this is a man, and this is a style of conversation which runs on the insulting comparison between their own usages and those of the people with whom they live. In this, they naturally, and I believe justly, give a preference to their own, but this preference becomes irkson to others, especially, in the expression of it, that there should be mingled some little contempt, and some contemptuousness; and those customs of which they have infested, and had accumulated on their own heads the antipathies which had been previously extended to all their country. Nay, from this hatred to them sprang up a kind of left-handed love for the Jacobins, it being natural to like those who war on the persons whom we dislike. But no sooner do the French armies enter into a country, than the scene changes. The emigrants do not indeed find favor, but the original sentiments of the people return in regard to the French nation. These sentiments are universally unfavorable, as I observed (with sorrow and surprise) in a journey I made two years ago through Flanders, and a part of Germany, viz. that which is the seat of the war. The French, however, whether engaged in frontier warfare, or in foraging, were worse treated than in the low countries. Mayence was surrendered rather to the assigns than to the arms of France, it is believed. Frankfurt naturally fell as being a neutral city. Contributions were raised in both, and you will see, with astonishment, that in the Low Countries, and particularly in Brabant, the memory of the French never was so strongly impressed when their city was retaken by the Prussian and Hessian forces. This re-capture was attended with strong circumstances to show that hatred of the French which I have above mentioned. Custine's advance into Germany was certainly hazarded beyond the rules of prudence, and it will be well if he escapes with no further loss than what he has already suffered. The situation is certainly critical, since the council have their eyes proper order on Dumouzin to his relief. And here, by the way, it may be well to remind you, that the distance from Valenciennes to Ligny is about one half the distance from Ligny to Mayence, and that the former is a level open country, the latter a country of defiles, at least for a considerable part of the distance. Add to this the season which is already severe in that quarter, and must, in all probability, become more so, or any day, and you will easily

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see why Dumouriez, in agreeing (at last) to obey his orders, has declared that he will by no means be responsible for the success. You will recollect, also, the diminution of the French armies, which it is proper now to state more particularly.

Dumouriez spread through France, after the affair of the tenth of August; the call to defend their country—a call which must ever be efficacious as long as men are endued with the feelings of men; the belligerent spirit of the nation, and the strenuous exertions of those against whom the Duke of Brunswick had denounced an inexpiable war; had called into the field six hundred thousand men. In the present quarter of France, the army is composed of two divisions, and the Duke of Brunswick, by bringing down, with an irresistible impetuosity, every obstacle. Her enemies, who had never brought against her, in the whole, above one hundred and fifty thousand, and who were much reduced by sickness and fatigue, found themselves obliged to retire, and had no resource but to impede a progress which they could not prevent, and which orders of Government, and orders of military councils, were not of such a kind and of such hard, and feeling (in spite of delusive appearances) that a paper system of finance must at length sink under the enormous weight of their expenses, thought it wise to push to the utmost their successes, and were little solicitous about a loss of men which they could supply more easily than the French. It is, to the physical powers of the French, a moral and a political question if they can stand it. Excessive fatigue, want of necessaries, and the most severe and irremediable modulations, had carried many to the grave. Not a few have fallen in action. At the present moment there are, in the different military hospitals, seventy-five thousand sick beds, and at Liege the hospital stores are so greatly deficient that the sick soldiers lie on the straw.

The extent of country which they occupy, and the projected changes in government, will have a correspon-
dence to the wish of the majority of the people, render it necessary to keep up garrisons by force, which they are placed on the communications. A great proportion of the volunteers, who had turned out at first to defend their country, who had at others been worn out by a national spirit of resistance to the neighboring States, and who, from the same spirit and temper, pursued as long as their limbs would support them, sinking at last under fatigue, have stopped, and from that moment it is in their nature to return—such of them, at least, as are able; of consequence, the troops in camp, by them, if the leaders who have hitherto united the armies of France have frequently been strenuous, but it is not of such a kind as to be, as it must be, and in this respect, and on this subject, is surely not to be wondered at. Lorrain is so completely eaten up (as I am credibly informed) above one hundred thousand of its inhabitants had left it, before the present month, from the want of food. Thus, the army has lost several thousand men by the departure of its sick, and it is in great part, to Coblenz, and that, having been the theatre of war (almost) since the beginning of August, it will be impossible to find any thing in it and that, confined by the Ardennes on one side, and the Rhine on the other, nothing can be brought to it but a land transportation of at least fifty leagues. I fear that, even had Dumouriez quarreled his troops, he would not be able to do what is desired, and that the decision must be made, not by the armies, but specially for his cavalry.

What must it be when he gets to the neighborhood of Bonn! Beurnonville, you will see, is, pushing with an army of thirty thousand men towards Coblenz, by the way of Treves—a rugged country of lastness, defended by intrenched positions and Austrian troops are opposed to him. Consequently, his less slow and strong men, and by his convoys will be exposed to parties from the garrison of Luxembourg. Thus you see, for the King is warning, at present, against nature herself, as it were, and sanguine men hope for success. If it be obtained the enemy will open the next campaign under manifest disadvantages. But we must not yet enter into the question.

You will have seen that the jacobin club is as much at war with the present Government as it was with the preceding. Victory or death is the word with both parties. Hitherto the majority of the Convention has had rather the advantage, although they frequently decree what they do not wish. The ministers, possessing vastly more patronage than the club, are, therefore, in a situation to influence the people. They have the influence of the great men, and the jacobins, though backed by the Parisian populace, have been several times within an inch of ruin. Luckily for them, their adversaries are many of them timid, while the jacobin leaders are daring and determined. It is not conceivable that the present French army, with Dumouriez or with Carnot at the head, can be defeated. What will be the sequel? It was then understood that, if Dumouriez threw up his commission in disgust, his army would presently retreat back to Valetinieres; and this, it was supposed, would justify a coup de main in this city, and extend the influence of it through all France. Ever since this embassy of Bonne Carre, France have been ripening fast on both sides. At present, there is a Ultras in the ministry, and Parke, the minister of war, throws his weight into the scale of opposition. Dumouriez has (I am told) acceded, notwithstanding the adulations and concessions of the other party, and the coalition now nearly balance their opponents. A late circumstance brought forward a show of forces, and though it is rather anything against the enthusiasm of the subject, I must state it here. Dumouriez, at the head of a large body of troops (without reason) that this might be a signal for their own destruction, determined on a measure not a little hazardous, but decisive. This was the expulsion of the Bourbons—a blow principally levelled at the Duke of Orleans. The motions of the Convention have been so ordered that the Gallier has been struck down and that the claim of the Orleans has been remitted. The suspension was pronounced under the influence of the tribunes evidently. Many members have talked of leaving Paris; but the same fear which controls them while in this city will prevent them from quitting it. At least such is my opinion.

The thing is indeed serious, and the circumstances connected therewith. To a person less intimately acquainted than you are with the history of human affairs it would seem strange that the mildest monarch who ever filled the French throne; one who is precipitated from it precisely because he would not adopt the harsh measures of his predecessors a man whom none can charge with having ever shown to his country and to the nation hatreds tyrants that ever disgraced the character of human nature. That he, Louis the Sixteenth, should be prosecuted even to the death. Yet such is the fact. I think it highly probable that he may suffer, and that for the following causes: The majority of the Assembly found it necessary to raise, against this unhappy prince, the national enthusiasm, in order to justify the dethearing him, (which also, when viewed from the eye to their safety) and to induce the ready adoption of a republican form of Government. Being in possession of his papers, and those of his servants, it was, if they would permit themselves to extract, to comment, to suppress, and to mutilate it was very easy to create such opinions as they might think proper. The rage which has been excited by the Convention against this man has been so violent that the public could not keep it down, and it would result in the acquisition of a fearful influence. The violence of the party are clamorous against him for reasons which I will presently state. The monarchist and aristocratic parties wish his death, in the belief that such catastrophe would shock the national feelings, awaken their hereditary attentions, and turn into the air and into the blood of the nation the loyalty the impetuous tide of opinion. Thus he has become the common object of hatred to all parties, because he has never been the decided patron of any one. If he is saved it will be by the justice of his cause, which will have some little effect, and by the pity which is universally felt (though none dare express it openly) for him. I have no doubt that the Convention will support the Duke of Orleans, and will prevent the condemnation of Louis. I believe that I am justified in this opinion. I have, I think, a plan of revenge against the Convention, which has been carried out, and which has been created by that plan. In general, I doubt the public spirit of a people, when it is joined with the public spirit of a class. The French are, of course, put by such persons. If we consider the particular circumstances which lead me to believe that he has, from the beginning, played a deep and doubtful game; but, I believe also that, on the present occasion, as on some preceding, he is the dupe. Shortly after the tenth of August I had information on which you may rely, that the plan of the Duke of Orleans was to recover the King of France, and in order to do it, had assembled and persuaded some of his friends, during the minority of the Dauphin. This idea has never, I believe, been wholly abandoned. The Cordeliers (or proxy council, which directs the jacobin movements) know well the importance of intervening the order of succession. They are very well to employ the Duke of Orleans, and I am much mistaken if they will consent to elevate him to the throne. So that, for his share of the guilt, he may probably be rewarded with the shame of it, and
mortifying reflection, that, after all the conflicts of his political warfare, he has gained no victory but over his own

It is worthy of remark that, although the Convention has been now near four months in session, no plan of a

I shall now, sir, make a few reflections on the state of foreign Powers. The adoption of Savoy, as an additional

I am, sir, as well as every other author of this country, satisfied with their present mode of proceeding; but the declaration, that they would erect the standard of liberty everywhere, &c. &c., forms the great cause with some, and pretexts with others, for endeavoring to crush the republic. On the

Before I close this too long letter, excuse me for mentioning that a statute of General Washington, ordered by the State of Virginia, is finished, and requesting to know to what place it is to be forwarded, and when.

With sincere esteem and respect I am, my dear sir, your obedient servant,

Thomas Jefferson, Esq. Secretary of State.

No. 15.

Paris, January 1, 1793.

Dear Sir:

I transmit, herewith, a duplicate of what I had the honor to write on the twenty-first of last month. Since that period this Government, perceiving that they had been wholly deceived, respecting the British nation, have made advances towards conciliation; at least so I am informed; and also that these advances are by a declaration that, however general the terms of their decree, they had no idea of exciting revolt, except in the dominions of the Powers leagued against them. That, as these Powers had entered into France, with a design to change the established government, they are justified in turning against them the weapons of revolt, which they had intended to use. If this should ever become an object of diplomatic controversy, it will, perhaps, be objected that, until the assertion of a general decay, be confirmed by other decisive proofs, the words must be taken in their plain and natural import. Should such new decree be passed, which, by the by, would take from France a very powerful engine, the case of Savoy will be quoted where, whatever may have been the supposed intentions, no facts existed to support them is yet produced, but by some other declaratory, it seems to me, that the authority of the British nation, and the projected invasion of Holland. I shall not either make any remarks on the unanimity in the British Parlia-

P. S. The French armies are at length permitted to go into winter quarters. That under Dumouriez amounted, by the last returns, to thirty-five thousand effectives, after the junction of Valance and Miranda.

Thomas Jefferson, Esq. Secretary of State.
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[Enclosures in No. 16.]

Havre, December 25, 1792.

SIR: A vessel arrived here, from New Orleans, under the name of the Espérance, under a Spanish flag, and under the command of Captain M‘Faden, a citizen of the United States, and an inhabitant of Philadelphia, who calls himself owner of the vessel. Can he now take the American flag? His voyage from the Mississippi finished here. The captain, who has no further employ in the Spanish possession, wishes again to take his natural flag, and to go to New York. I think that he has nothing to fear from the agents of the Spanish Government, because he has satisfied all the charges to which that flag subjected him. He is provided with a regular American registry, by which he and Captain M‘Faden are supposed to be the proprietors of the vessel, which is called therein l’Espérance. This letter is dated at Philadelphia, January 2, 1792, and signed Alexander Hamilton, John Graff, and Fred. Phil. I am so well convinced of the authenticity of this title, that I should of myself permit the captain to hoist the American colors, were you not at so short a distance; which enables me to have your approbation on the subject. The captain has, on board of his vessel, the name of Euphrasie painted on canvas; which he assures me he was permitted in America to nail upon the stern of his vessel, when circumstances required. All this excludes the idea of any fraud. The reason why I am so particular in this matter, is, that I conceive the Americans will be very watchful and careful of their flag at the present moment; in which it would be convenient to more than one nation to borrow it, if it were possible. I therefore look for your answer, sir, in order to permit Captain M‘Faden to hoist American colors, under the name of Euphrasies and I request your orders on the subject without delay, to the end that the captain may make himself known publicly as an American, to take in a cargo for New York.

De La MOTTIE.

Paris, December 27, 1792.

SIR: I have received yours of the twenty-fifth instant. From what you say, it appears evidently that there has been a fraud in the voyage of Captain Faden, since he arrives as a Spaniard, and sailed as an American, which last character he means now again to put on. I do not at the same time see what you can do to prevent him, were you so minded. If there be a breach of the navigation law, it must be answered in America, and therefore, I should suppose it best to send by some other opportunity an account of the transaction to the Secretary of State. In the mean time, it seems to me proper to let him hoist the American colors, because the preventing him may do a serious injury to one who cannot, before trial and conviction, be presumed guilty of an infraction of the laws.

GOVERNEUR MORRIS.

Paris, January 6, 1793.

DEAR SIR: Mr. Short, who is so kind as to take charge of my letters as far as Bordeaux, will go, he says, this day. I therefore take the latest opportunity to write, and to inform you that the appearances have not at all changed since mine of the first. Dumouriez has been some days in Paris. He stays at home under pretense of illness, but in fact to receive and consider the propositions of the different parties. It would seem that he is not reconciled to Pache, the Minister of War. Pache is very strong in Paris, and that circumstance renders him formidable both to his colleagues and to the Revolution. I am told that the majority of the latter body expect soon to be supported by a considerable number of volunteers from the departments. I am also told that it cannot be long before the bursting of the storm which has been so long brewing. This last intelligence is from one of those, who, though a promoter of the last revolution, is now marked as one of the victims. He says he will die hard, but laments the feebleness of temper which he experiences among those who, like him, are doomed to destruction. On the other hand, a person of cool discerning temper and understanding, who is in the confidence of those who direct the Jacobins, told me, when I last saw him, that they are determined to rule or perish.

You will easily suppose that this provision of honors is far from pleasant. I have, I assure you, been not a little tempted to spend a few days with some of my friends in the country, during the festive season, which would render such an excursion natural; but the critical state of things with Great Britain might take a turn which it would be important for you to know, and therefore it is right that I stay here.

I am, sir, with esteem and respect, your obedient servant,

THOMAS JEFFERSON, Esq.

No. 10.

Paris, January 17, 1793.

DEAR SIR: I have already had the honor to inform you that the statue of General Washington, by Houdon, is finished, and which I have been applied to by the statutory, in regard to the last payment for that object. He tells me that he hopes the State of Virginia will do as other foreigners, pay him the difference of exchange, a thing the more easy to them, as in fact it can only cost them the sum stipulated—the sum which they would have paid two years ago, and which eight years ago would have been specially secured against depreciation, could the emission of assignats have been then foreseen. I have said to him, that I am by no means competent to decide on the subject, but would forward to the State his application. I hope you will pardon me, sir, for troubling you with it; but as you agreed with Mr. Houdon in the first instance, it is (as well for that as for other reasons) most proper that I should address myself to you.

I am, with esteem and respect, dear sir, your obedient servant,

THOMAS JEFFERSON, Esq.

No. 18.

Paris, January 25, 1793.

DEAR SIR: My last (No. 17) was of the 17th instant. The late King of this country has been publicly executed. He died in a manner becoming his dignity. Mounting the scaffold, he expressed anew his forgiveness of those who persecuted him, and a prayer that his deluded people might be benefited by his death. On the scaffold he attempted to speak, but the commanding officer, Santerre, ordered the drums to be beat. The King made two unavailing efforts, but with the same bad success. The eyes of all were down, and were in such haste as to let fall the axe before his neck was properly placed, so that he was mangled. It would be needless to give you an affecting narrative of particulars; I proceed to what is more important, having but a few minutes to write by the present good opportunity.

The greatest care was taken to prevent an affluence of people. This proves a conviction, that the majority was not favorable to that severe measure. In effect, the arraignment of the Parisians caused the fate of their unhappy Prince. I have seen grief, such as for the unimonly death of a beloved parent. Every thing wears an appearance of solemnity, which is awfully distressing. I have been told by a gentleman from the spot, that putting the King to death would be a signal for disbanding the army in Flanders. I do not believe this, but incline to think it will have some effect on that army, already perishing by want, and moulder ing fast away. The people of that country, if the French army retreats, will, I am persuaded, take a severe vengeance for the injuries they have felt and the insults they have been exposed to. Both are great. The war against France is become popular in Austria, and
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is becoming so in Germany. If my judgment be good, the testament of Louis the Sixteenth will be more powerful against the present rulers of this country than an army of a hundred thousand men. You will learn the effect it has in England. I believe that the English will be wound up to a pitch of enthusiastic horror against France, which their cool and sedate temper seems to be scarcely susceptible of.

I enclose you the translation of a letter from Sweden, which I have received from Denmark. You will see there by what the Jacobin principles are propagated with zeal in every quarter. Whether the Regent of Sweden intends to make himself King is a most point. All the warm foreign nations the effect which I had imagined. The war with England exists, and it is now proper, perhaps, to consider its consequences, to which effect we must examine the objects likely to be pursued by England: for, in this country, notwithstanding the gascouettes, a defensive war is prescribed by necessity; for I may suppose that the French colonies are to be lost, and that the inhabitants have been directed to attend to signal guns, fired on offering occasions, and, on the seventh being fired, to lock their gates and shops. These steps trouble equally as much as the declaration of his Royal Highness astounds.

If all this be the consequences of a letter you, perhaps, are acquainted of, wrote by a Dean Widen, or a discovery made by Government, is yet a mystery. The general suspicion falls on a number of club of followers of Gustavus III. who, it is reported, are supported from abroad, and their leader, the unruly brewer, Mr. Westernman. Everything is quiet yet, and it is to be hoped that the above steps may be sufficient to continue this fortunate situation longer.

No. 19.

PARIS, February 13, 1793.

DEAR SIR:

My last (No. 18) was of the 25th of January; since it was written, I have had every reason to believe that the execution of Louis XVI. has produced on foreign nations the effect which I had imagined. The war with England exists, and it is now proper, perhaps, to consider its consequences, to which effect we must examine the objects likely to be pursued by England: for, in this country, notwithstanding the gascouettes, a defensive war is prescribed by necessity; for I may suppose that the French colonies are to be lost, and that the inhabitants have been directed to attend to signal guns, fired on offering occasions, and, on the seventh being fired, to lock their gates and shops. These steps trouble equally as much as the declaration of his Royal Highness astounds.

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war of empire, and, if she defends herself, she commands the world. I am persuaded that her enemies consider the British fleet as a target, and that, if they are to be protected, they will be compassed in two ways—either by obliging her to assume a new burthen of debt, to defray the expense they are at on her account, or else by a dismemberment. The latter appears the more certain mode. In this case it will, I presume, be attempted to make the Sone her northern boundary, as far as the Ardennes, and then along the Ar- dennes, the Moselle, and the Rhine to the Vosges, where the French, under the command of General Amanteau, Artois, and a part of Picardy, in the circle of Austrian Flanders, which may be erected into an independent State, and the country lying east of the Vosges and Mount Jura may be a compensation to the Elector Palatine for the cession of the Electorate of Bavaria to France. As things are now, I am not prepared, if the enemy knows how to make use of them. Alise is attached to the German empire, and to the cause of religion. The only thing which pleases them in the revolution is the abolition of the tithes, and they are as much disgusted by the banishment of their priests. I speak here of the Roman Catholics only. The seceding clergy would not care about the matter; but many of them are discontented at the revolution, and religion is with them the first care, but as yet they have not had a fair opportunity to show themselves, because they are awed by the numerous garrisons spread through their country. I think, as I mentioned in my last, that there exists a treaty respecting Flanders, between England and Austria, but I cannot find out the exact purport. Prussia is, I think, the most independent of the five Powers.

As to the conduct of the war, I believe it to be, on the part of the enemy, as follows: First, the maritime Powers will try to cut off all supplies of provisions, and take France by famine, that is to say, excite revolts among the people. General Genet, who is now in the midst of this affair, might engage, at the same time, in the Mediterranean, and might perhaps be the language of Prussia. I think I can perceive some seeds already sown to produce that fruit. It is not improbable that our vessels bringing provisions to France may be captured and taken into England, the cargoes paid for by the Government. Secondly, Britain may, perhaps, land a body of troops in Normandy, with intention to penetrate to Rouen, and cause the roya- lists to be erected by the French immigants. If a large body of the people flock to it, they might open the breach towards the capital, if not, they may move to the left, along the coast, to Abbeville, and thence form a junction with the army acting in Flanders; for this descent, if it take place, is but a secondary operation; the main stress will be in Flanders, for there the troops of Britain, Holland, Hanover, Austria, and Prussia, can be fed from the Rhine at a very low rate. If it be too late for France to engage the enemy, and she oppose them, because the provisions must, in such a case, be carried to an extreme corner of the country. Thirdly, an attack of great energy will be made on the side of Mayence, in the view to destroy totally the army under Custi- niere, in the arrondissement into Lower Alsace, and the rear of the army of the Rhine, in the arrondissement of Upper Alsace, for which purpose, nothing will be left undone to bring the Swiss into action, as thereby the fire of war will extend all along from the German Ocean to the Mediterranean Sea. Fourthly, the efforts on the side of Savoy will probably be confined to the recovery of that country, and such diversion as may occupy a part of the Prussians in that quarter. I believe the Slovay would not be engaged in the war, or alarm, of such may increase the want of bread, by multiplying the consumers: for I do not believe in a serious attempt on either Toulon or Marseilles. Under this chapter, as an incidental consideration, are the in- tense hatred and prejudice that I think a British squadron in the Mediterranean will do more or less harm to the French, and perhaps towards this than a dozen ambassadors. Lastly, on the side of Spain, there will be, I believe, nothing more than a revolu- tion at court, which should disturb the Queen and her paramour, might give some energy to the administration, which, at present, is extremely feeble.

Having thus run through the probabilities on the side of the adversary, I come now to what appear to be the views of France. You will have seen that the effective army for 1793 is fixed at something more than five hundred thousand men. These will be able to get together. The recruiting service goes on well, and although many of the last year's conscripts, and perhaps many of the present, may not to be mustered, yet the provisions to the army, the moneys army, barring accidents, will be completed. The main object, at present, is to overrun Holland—a thing which might have been effected six weeks ago, but, at present, I believe it is not to be done. If the Prussian and Hano- verian forces be made the object, I think it is now too late; but, if the attention be directed to the left, I think suddenly as Mayence, and perhaps by similar means. If this should happen it would greatly impede the operations, and, of course they will exert themselves to prevent that mischief. Never were the moments more precious than those to be parties in that quarter; for there the first blow will be more than half the battle. Should the enemy be unable to prevent the French from beginning to get a start there, and there is nothing to stop him till he comes to the Rhine, and, at every step, he would gather new force; besides, he need not embarrass himself with convoys, because he would soon receive abundance from the side of the sea. As to the colonies, I believe that France will not attempt to defend them, and their whole commerce falls naturally into the lap of America, unless the British prevent it, and I think they will find more convenient to neglect that small object, to pursue the great ones which open themselves to view in this quarter.

What I have just said leads me very naturally to your letter of the 7th of November. You had previously in- structed the Ministry to show a regard for the peace of Europe. You had expressed your wishes that the cession of August had not taken place, but, instead thereof, the useful power and confidence had been restored to the crown, I should, perhaps, have obtained what you wished, as a mark of favor and confidence. Temporum instaurat, et nos restituitur in illis. A change of circumstances rendered it necessary to change entirely my conduct, so as to produce in one way what was impracticable in another.

As I saw clearly, or at least thought I saw, that France and England would at length get by the ears, it seemed best to let them alone until they should be nearly pitted. When I found this to be the case, I asked an interview with the Minister of Foreign Affairs, and mentioned to him my wish that an exception should be made in the decree against emigrants in favor of those who were in the United States. I told him truly, that I wished the alliance between the two nations to be strictly preserved. I told him, with great frankness, that, notwithstanding appearances, and the flattering accounts transmitted by some of his agents, Britain was, in my opinion, hostile, and an active enemy. I expressed a doubt, if it were the true wish of the government of Britain, that, on the principle of such a case, there could be no doubt but Mr. Hammond would erect himself to incalculate the opinion that our treaty having been made with the King was void by the Revolution. He said that such an opinion was absurd. I told him (precising, in this place, that the whole conversation was official and unauthorized on my part, from sincere principles) that I knew many, and it seemed to me that the whole conversation was conducted with that spirit of cordiality and good will which would be well to evince a degree of good will to America, which might prevent disagreeable impressions, and had therefore taken the liberty to suggest the exception in favor of emigrants, &c. Here I left it, and changed the conversation. Now, I knew well that some of the leaders here who are in the diplomatic committee, hate me cordially, though it would puzzle them to say why; and I was determined rather to turn that disposition to account than to change it, because I see some advantages to result from it. Thus I contributed, indirectly, to the slight put on me by sending out M. Genet without mentioning to me a syllable either of his mission or his errand, both of which, nevertheless, are matters of the greatest importance. I had taken a good deal of trouble to ascertain the meaning of England, and my continuance at Paris, notwithstanding the many reasons which might have induced me to leave it, would also, I thought, excite in some degree their jealousy, and I have good reason to believe that this effect was produced. I felt then the merit of doing with the enemy both carefully calculated, and in the manner of the thing you wished for is done, and you can treat in America if you please. Whether you will or not is another affair. Perhaps you will see that all the advantages desired do already exist; that the acts of the Constitutional Assembly have, in some measure, set us free from our engagements, and that, increasing daily in power, we may make quite a good bargain some time hereafter. It remains to add a few words in reply to what regards me, personally, in your letter. I am very happy, indeed, to find that my conduct, as far as it was known, is approved. This is the summit of my wish: for I cautiously acknowledge that the good opinion of the world would be beyond all earthly possessions. I have from the first so distinctly marked my intentions, and very principally, and very distinctly marked my intentions, and very principally,
may well imagine; indeed, it is extremely painful. I have already given my reasons for staying here; but now the scene is changed, and I had thoughts of making a tour to the different consulates. There are, however, some pretty solid objections to that plan, for the present. The next thing which suggested itself was, to hire a country house for the summer season, in the neighborhood. At length, that my leaving the city might give no offence to any body, I have bought a country house in an out of the way place, where it is not likely that any armies will pass or repass, even should the enemy penetrate. If I lose the money paid for it I will put up with the loss. The act, in itself, shows a disposition friendly to France; and as it is between twenty and thirty miles from Paris, I shall be able to go thence, and turn up and down the country, unless driven out of it by war or famine. In this way I hope to avoid those accidents which are almost inseparable from the present state of society and government, and which, should they light on the head of a public minister, might involve consequences of a disagreeable nature. It is more proper also, I conceive, to make arrangements of this kind in a moment of tranquillity, for when confusion is awakened into mischief. In all this my judgment may err, but I can truly say that the interest of the United States is my sole object. Time alone can tell whether the conduct be as right as I know the intention to be.

SIR: I must first pray your indulgence for referring to the enclosed copy of what I wrote on the twenty-seventh of last month, to the bankers of the United States in Amsterdam. I make no comment thereon, only as I had not given the order in question, I consider it as of course, that I must replace the money which may be advanced on it. This is one of the cases in which not to act is taking a part, and in which it is vain to balance.

I am, with sincere respect, dear sir, your obedient servant,

GOUVERNEUR MORRIS.

[Enclosed in the foregoing despatch.]

FRANCE.

GENTLEMEN: I learn from the friends of Monsieur de Lafayette, (who is now prisoner at Magdeburg) that, although kept in close confinement, no provision is made for his comfortable subsistence. I own that I do not believe this assertion; but, should it be true, I think no moment is to be lost in administering relief. You will, therefore, be pleased to relieve him, by sending him such necessaries as may be required for him. You can extend your credit to the sum of ten thousand florins, which you will please to charge as paid by my order, in your accounts with the United States. Observe also, that it is not in my contemplation to furnish the means for his escape, for that sort, direct, nor indirectly, because it is not becoming the dignity of the United States to act in an underhand manner; but they would hear him appeal to what has been eminently useful to them should be in want of those necessaries which it is in their power to bestow.

MORRIS, W. & J. WILKINS, N. & J. VAN STAPHORST & HUBBARD.

No. 30.

DEAR SIR: I send, enclosed herewith, a letter which I have received from Monsieur Duchesne, with the copy of my answer. I know not whether my use can be made of such offers, but think it right to forward them, in order that Government may decide thereon.

I am, with esteem and respect, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

[Enclosures referred to in the foregoing.]

PARIS, 12th February, 1793.

GOUVERNEUR MORRIS.

[Enclosed in the foregoing despatch.]

BLOIS, 6th February, 1793.

SIR: During the time Canada and Louisiana belonged to France, persons of the religious order had dispersed themselves among the different savage nations of those immense countries, for the purpose of carrying there instruction, and taking care of their souls. The Jesuits, from that source, having diminished the perpetual wars between tribe and tribe, and extinguished those funeral piles erected among them for the destruction of their respective prisoners. This design, this work, so honorable to man, was called useful.

Since Canada has belonged to England, and a part of Louisiana to Anglo-America, these missions have ceased, because the Protestant religion not admitting the religious orders, the ministers of that persuasion were not in number proportioned to the parishes, to perform parochial duty, and consequently there did not remain supernumeraries sufficient to maintain those establishments or to propagate civilization.

Hence, it results that the different savage nations with whom instruction had been begun are exposed to fall back to their primitive barbarity; and that this barbarity will become still so much the more dangerous, as, by communication with the different European establishments, they have procured themselves fire-arms, and acquired the habit of using them.

Unfortunately, this is the only art they have learned: for, notwithstanding the labors of the ancient missionaries, they have continued to occupy themselves only in the chase and in war, in little or no cultivation, and not at all in building, carpenter work, and other arts of civilization, which the missionaries were instructed to carry among them, and the labor of which they could not induce them to undertake but by frequent examples, patience, and more especially from their number, and the want of time necessary for the purpose.

Humility and even the tranquillity and prosperity of the United States solicit the re-establishment of these missions, as I set the tranquillity of the Indians, of the country, and of the commerce, and the extension of the arts, so necessary to civilization. I have been, for yet two years since, on the frontiers of the united colonies, some nations of those savages spread death, confusion, devastation, and terror. Nothing, therefore, would be so important as to re-establish among them those missions which, in time, becoming more numerous, would not fail to change these savages into honest enterprisers, industrious, happy, peaceful, courageous, and useful fellow-citizens, enemies hitherto ferocious. Would not this be making conquests, and increasing, in a sublime manner, the population, power, and prosperity, of the United States?

The missionaries who may be sent to make these conquests should invite their predecessors, who had known how to please nature, in a manner almost incredible, the confidence and attachment of the savages in their care. Like their predecessors, they should employ all their zeal in attending to their neophytes in sickness, and during their wounds; like their predecessors, they should form husbandsmen, smiths, masons, carpenters, weavers, potters, in a word, providing to them the succor of these arts, explaining to them their use and utility, creating in them the desire of putting them in practice, explaining to them is miserable and barbarous life, and rendering it to them pleasant and happy; thus conducting them, by degrees, to instruction and civilization.

In order to execute this enterprise, the United States want, as I have already said, subjects who possess the talents and qualifications. Mr. & Mrs. Carroll of Baltimore has not a sufficient number of ecclesiastics to send among the savages; but the present circumstances furnish a supply and full means, which is so much the more important, and of so much the more consequence to be speedily embraced, as a course of ages would produce the same opportunity. There are thousands of ecclesiastics, of every age, who have left France, and taken refuge, some in Switzerland, Italy, and Germany, others in Holland, England, and Spain. Nothing, therefore, would be so easy as now to offer an asylum and employment, in the United States, to those of these ecclesiastics who have not been already fixed in some other country, and who would embark with joy in those vessels which the Anglo-American Government should send for them.
In 1791 and 1792, some French ecclesiastics, upon the invitation of the Bishop of Baltimore, went over, some to establish, near Baltimore, public schools on humane principles of philosophy and theology, intended to form ecclesiastics as missionaries, and others among the Interior, so that the spread of the more advanced and civilization among the savages. The other ecclesiastics who left France had for their object to supply missions which were vacant, such among others as those of the French Canadians, and Catholics of the Illinois, established towards the entrance of the Illinois into the Mississippi and another mission which was also vacant; destined to their Catholicity the want of the point of a Dr. This being the case the missionaries ought now to be at their respective posts, but you will conceive, sir, how needful these beginnings are, and how much time would be necessary for this seminary of Baltimore to furnish subjects sufficient for the parishes in the interior, and for missions of the United States, there are no parishes in the interior, and to multiply the colleges in the United States by establishing them in the principal cities, which would equally increase the subjects necessary to promote civilization among the savages. This would perhaps accelerate, at most, in two hundred years, that so important civilization.

In order to bring about in some degree the grand work of civilizing the savages, I think, sir, that it would be necessary, in the first place, to establish a colony near where the Mississippi opens into the sea. The following are my reasons:

Independent of the surplus of aliment which this position would furnish by fishing in the sea, and by salting them, it offers to those who come from Europe, even in the neighborhood of their debarkation, fertile and uncleared lands, proper for all articles of our culture, even for those of our southern provinces, immense meadows for the increase of cattle, a mild and wholesome climate.

Another consideration induces me to prefer this position to any other. You know, sir, that, about the beginning of the present century, some French Canadians went among the savages called Illinois that they were allied together by marriages; that these people, united, went to establish themselves at the confluence of the Illinois and the Mississippi; that about the same time other French Canadians had gone to the Mississippi, to the savage tribes that lived on the Ohio, and that they were also married; that by this means the two nations lived in the greatest union; that they formed but one people.

This colony of the Arkansas is settled towards the eastern border of the Mississippi, at about one hundred and thirty miles from the mouth of the Ohio, and about eight leagues from the French Canadian missions established near the mouth of the Ohio.

From this establishment, in going up the Mississippi, is about one hundred leagues to the post or fixed mission on the mouth of the Illinois on that river, and this distance, of one hundred leagues from the mouth of the Ohio to that of the Illinois, is the same distance with different establishments, posts, or missions, as that between the mouth of the Ohio and the mouth of the Mississippi of Du Rober, that of St. Philip, and that of Kahokia. During the last war, several Canadian Frenchmen and Catholics of the Illinois, who inhabited these villages, had gone over to the territory of Spain. But the Bishop of Baltimore thought, as I have said, that the population by these missions, by their salubrity, by the increase of agriculture, and by their establishments, can have communication with the sea, which is absolutely necessary to them, and this is one of the reasons why I wish an establishment of a colony near the mouth of that river. This establishment would serve as an entrepot for everything coming by sea for the support of the colonies above, as well as for all that might come from them for exportation.

This new colony, which will increase by the affluence of the neighboring savages, and particularly Frenchmen, excited by the mildness of the Government and climate; the fertility of the lands, the abundance of everything, especially, as I am going to observe, if this new colony were formed for the most part of our western countrymen.

With respect to the commencement of this new colony, to be formed particularly of Frenchmen, nothing appears more easy: about forty years ago, some French, established in Acadia, were transported into the canton of Baltimore; these Frenchmen have considerably increased. With the protection of Government it would, therefore, be an easy matter to the Bishop of Baltimore to furnish them with these new Frenchmen, of whom one half or three-quarters should be married, and be found in the same colony near the mouth of the Mississippi. It would also be easy for this prelate to engage, through the missionaries of the establishments, of which I have spoken above—to engage, I say, an hundred young French Canadians, as many Catholics of the Illinois, fifty Frenchmen established with the Arkansas, and as many as the Mississippi, and fix themselves in the new colony. It is still necessary to observe, that the said detachments must consist of only about one half married men. I shall hereafter assign the reason.

I shall not intrude upon your time, sir, by entering into a detail of the means to be observed in the establishment of this new colony; in its safety; by placing it in an elevated situation, and at a distance from marshy ground; the precautions to be taken for obtaining grain, and seed for sowing; for the embankment of provisions sufficient till after the clearing and obtaining of crops, &c. It is not for me to speak of these things to a minister of religion. It will be sufficient for me to observe that the embattled ecclesiastics, to whom the Anglo-American Government may facilitate a passage, should be informed to embark with a servant, or associate husbandman or artisan, [they would not fail in this] furnished with the principal instrumentations; and respectful occupation. The said detachments should be divided nearly equal: one half should go to Maryland, to be employed by the Bishop of Baltimore in the service of the parishes, of the colleges, seminaries, and missions. The other half should be destined for the new colony; the latter, being arrived at the new colony, should be separated with their associates or with unmarried women, of whom one third should be separated to go to each of the colleges, one third to the nation of Arkansas and by remaining third to Post St. Vincenat, or St. Vincent, situated towards the junction of the Ouachab and Ohio, at fifty leagues from the French Canadian establishment and the Illinois Catholics, near the opening of the Illinois into the Mississippi.

For the ecclesiastics distributed in these three posts should each have his own tvile, and under particular circumstances, each should be accompanied by his respective chaplain and his associate. Some should be sent without, to instruct and civilize the neighboring savages by progressive steps. They should be accompanied by some Canadian Frenchmen and Acadia, Illinois, and some Arkansas, who would serve as an escort and interpreters with the different savages; particular care should be taken to inform them, that they are not the enemy of the English, but that they are the friends of the new inhabitants of the United States. They should be ransomed, and after taking care of them, they should be conducted to their respective nations.

The third should be occupied in founding, in each of the three posts, first, schools, then colleges and seminaries, in order to form, of the individuals among themselves, subjects proper to make a similar establishment among the savages, who have begun to be informed, and preparing to themselves, by that means, a chain of co-operators and of successors in a word, to avoid the necessity of continually recurring to Europe.
As to the subsistence of all those ecclesiastics, there was not any one mission or establishment hitherto incapable of defraying the expense. Therefore, according to the plan of the colony near the mouth of the Mississippi, every colony was to be divided into districts, or schools, such as the Choctaws, the Alabamas. These ecclesiastics should be accompanied by some of the Illinois of the Arkansas, sent for this purpose, and those objects, into the colony: the analogy of the indigent of the language, the customs, and the presents which should be made to these savages of the things known to be most agreeable to them, through the missionaries, which the missionaries know shall be, in most cases, and may be, for a very long time able to resist, because the most ferocious might oppose at first bad treatment to the first benefits, but they could no longer oppose them, if, as the missionaries did, those I am now speaking of had had usage a continued attention, and having opened, by its ordinary effect, that is to say, to attain the confidence and attachment of the savages, and they might profit of it by augmenting them more and more, and cementing an union by intermarrying the savage women with the unmarried Frenchmen, the Illinois, and the Arkansas. These new married persons would remain with the missionaries to the respective savage nations, some might be established among the Apalaches, or Chickasaws, that their wives and daughters might instruct the young women and daughters in the duties and occupations of their sex. I have now stated the reasons why I think, that among the Frenchmen, the Illinois, and the Arkansas, who should be sent to form the new colony near the mouth of the Mississippi, there should be only one half unmarried, because the people of every age, ancient and modern, proves that they, to connect and unite them with each other, there is no means more inapplicable than reciprocal marriages.

Schools might also be established among the respective savage nations; selection should be made therein of those who manifested the right sentiments and disposition, and good will for the purpose, and they should be sent to the colony for instruction in the higher orders of science, and afterwards return to their respective countries to form similar colleges, for the purpose of furnishing proper subjects for the like missions, or form, successively, similar establishments, by degrees, among the neighboring nations.

With regard to the post of Arkansas, it should have the same institutions, the same views, the same government and object, as the colony, as well within as without. From this post should be sent, in like manner, missionaries, among the Chickasaws, their neighbors, and among the other savages, upwards, to the mouth of the Ohio. The same measures should also be adopted with respect to the Chickasaws, and to Frenched Arkansas, and to Arkansas of the Chickasaws.

As to Post Vincennes, or Saint-Vincent, situated towards the confederation of the Oubachen and the Ohio, there should also be made for the purpose, also, arrangements for recruiting the missionaries of the same establishments and colonies, near the opening of the Illinois into the Mississippi, and to put those missionaries in a situation to create, in one of the establishments towards the confederation of the Illinois and the Mississippi, similar schools and colleges, for the instruction of subjects proper to propagate, by the same means, the missions to the northward, and as far as the savages inhabiting the eastern banks of the Mississippi.

From this same establishment of Vincennes, on the confederation of the Oubachen and the Ohio, missionaries should go up the Ohio to instruct and civilize, first, and more particularly, the savage nations on its southern borders, and, successively, the nations which live on the rivers which take a southern direction that is to say, on the frontier of the United States, and fall into the Ohio.

To secure success to their enterprise, the missionaries should take care to go in company with either French Canadians, Indian Catholics, or savages whom they have already attached to them, and known to be friends of the sacred missions, and who will, by the power of their example, encourage those savages to learn, from their example, husbandry and the other necessary arts, by giving them a bent for them, while their wives teach the savage females the duties and labors of their sex; the other unmarried citizens should marry the daughters of these savages, and this method would not fail to secure in them a very solid attachment. It should create schools and colleges, for the purpose of furnishing co-operators and successors for the mission of the same establishments, and for the purpose of furnishing co-operators and successors for the mission of the same establishments.

After having left a sufficient number of missionaries for the instruction of these savages, the other ecclesiastics should descend the Ohio, and go among the nearest savage neighbors; they should be accompanied by some of the savages, whom they have instructed, the latter being the magnets, as it were, on which the savages should form with this second nation, the same establishments as with the first, and so in succession, as the missionaries originally from Baltimore, and those who shall subsequently arrive there, should be sent by the Bishop of Baltimore, under the protection of the Government, to those of the savage nations nearest to the Ohio, and most accessible to Baltimore, in order to facilitate the communication by water.

This mission, which, like the others, should be regulated by the same principles, views, and motives, tending to the same objects, and by the same means, should be accompanied by some French Acadians, or other well disposed citizens, one half of whom to be married, and the other half unmarried.

The object of these missions should be to instruct the savages, to teach them to learn, from their example, husbandry and the other necessary arts, by giving them a bent for them, while their wives teach the savage females the duties and labors of their sex; the other unmarried citizens should marry the daughters of these savages, and this method would not fail to secure in them a very solid attachment. It should create schools and colleges for the purpose of furnishing co-operators and successors for the mission of the same establishments, and for the purpose of furnishing co-operators and successors for the mission of the same establishments.

The different missions or posts, established as I have mentioned, in contiguity on this river, and on the Ohio, would procure therein a facility, tranquillity, and safety of navigation and communication, especially by the respective rivers, and the Ohio, being longer and more elevated, than the Mississippi.

With regard to this civilization of the savages of the eastern borders of the Mississippi, and at a short distance from the sea, it would be much more easy, and much more certain, as they appear more susceptible than the others. In fact, I observe in the Encyclopedia, printed at Neufchatel, in 1778, that the most numerous of these nations is that of the Chickasaws, near the southern boundary of the United States, whose dwelling is in the Apalachian mountains, on the south by Florida, and on the east by Georgia; that they are divided into several nations, to whom the English, the Spanish, and the French, have given different names, and peculiar to their languages, these Apalaches, or Apaches, extend themselves along the borders of the Mississippi, where they have some thirty thousand souls; that these people are as well made as the inhabitants of the other savages, the barbarity of the others, who burn their prisoners of war; in a word, that the generality of these Apalaches are remarkable for longevity.

I observe in a Dictionary, entitled a Geographical Dictionary of Vogesen, printed in 1790, speaks nearly in the same terms of these Apalaches, and goes even so far as to say, that they have nearly all embraced the Christian faith: this latter article surprises me.

You are in a situation of knowing and verifying the truth of it, and of informing me whether it be true; but admitting that it is not true, the missionary's having at least all embraced the Christian faith, still it results, from these testimonies, that those people are more susceptible of instruction and civilization than the other savages, and that, by using the means I have hinted, the missionaries of the colony towards the mouth of the Mississippi would expen.
foreign relations.

FOREIGN RELATIONS.

APRIL 7th, 1819.

rience the greatest success, which would be so much the more important, as those, extending themselves from Georgia to the borders of the Mississippi, and from the mountains of the Ohio to a new hundred leagues, and that I have said, or

France to the neighboring savages. My plan for the civilization of those savages, and others, is therefore reduced to two things, extremely plain and easy, namely, the establishment of the Missisquoi, and the Louisiana, of a new hundred leagues, and that I have said, of French Canadians, Arkansas, and French Illinois. The second is to profit immediately of the present circumstances, by employing French expatriated priests, who would embark, with joy, to carry among the savages instruction and civilization, some towards the southern borders of the Ohio, and the others towards the eastern borders of the Mississippi. Such, or several others of the sort, would be successively sent after them, and from those who should also successively be formed in the places themselves, would accelerate, perhaps, in less than two centuries, as I have already said, a civilization of beings often ferocious, and transform them into men, making being, hitherto miserable, happy; in a word, changing ferocious enemies into grateful fellow-citizens, who would secure the tranquillity of all the frontiers of the united colonies, their prosperity, and their glory.

These objects are so sublime, that I do not confine myself to the proposing of them; I offer, sir, as I have desired to do for a number of years, to co-operate in them, by embalming at my own expense the passage of some missionaries, husbandmen, and workmen, and by giving them notice, and my attention to inform and collect French ecclesiastics, expatriated and dispersed in the different States of Europe, if the plan which I have had the honor to present to you, and to which local situations, of which I am ignorant, may make some alteration necessary in the detail, were agreed to by the council of the united States.

It may be objected to my plan, that, in order to people countries of deserts, we must not favor celibacy, by calling priests devoted to it, and who would also devote thereto the persons who might be destined for the priesthood.

I say, in the first place, that those missionaries in favor of celibacy, and their successors, would procure, by their marriage, the depravity of the clergy; and, at the same time, the introduction of domestic duties among them.

The Dalmaetic Venetian is of the Greek rite of the Roman communion, which admits married subjects to the priesthood; and there is a seminary of married men in Rome; they are instructed in this Greek rite of the Roman communion, they are therein ordained priests, although married, and they are sent successively into Dalmatian Venetian, to do parochial duty, and supply the curacies as they become vacant by the decease of the curates married like themselves.

The United States might therefore act in this respect, like the republic of Venice. This republic preserved in Dalmatia the Greek rite of the Roman communion. In consequence of the law for the freetoleration of religion, the United States have already authorized the erection of a Catholic bishopric at Baltimore; they might also demand, or authorize for the missions, their neophytes, and the places which would be convenient for the erection of one or several Catholic bishoprics of the Greek rite of the Roman communion, which admits married men to the priesthood. I know a French expatriated bishop, who, if this arrangement were convenient to the Government, would give the means and facility to have it adopted at Rome. By this method, the objection against the celibacy of priests would be done away as well as the deficiency of population which it would occasion in the country in question.

Sir, sir, is the tribute which, in presence of the Supreme Being, I pay to my equals. I request you to present it to the council of the United States if you think it worthy of their attention.

I am, with respect, sir, your most humble and obedient servant,

DUCHESENE.

Ci-devant Commissary of the King, near the civil tribunal of Blos.

PARIS, February 12, 1793.

SIR,

I have had the honor to receive your letter of the sixth, which I shall forward to the Secretary of State in America. It appears to me to contain very good views. There is, however, at the present moment, an obstacle to your project taken in its extent. Hitherto the Spaniards have contested our right to navigate the river Mississippi of the Gulf of Mexico; and although there is every reason to hope that the Spanish Council will shake off their prejudices in this respect, yet it cannot be looked upon as certain.

Monsieur DECHESNE,

Ci-devant Commissaire du Roi, près le tribunal de Blos.

No. 21.

PARIS, March 7, 1793.

DEAR SIR:

Enclosed you have copies of what I had the honor to write on the 25th of January and 13th of February, also the copy of a letter of the 19th of February, from Mr. Pinckney, with my answer of the 18th. I send these last, to the end that due attention may be paid to such vessels as may be furnished with his passports, and which may, perhaps, prove to be British bottoms. I am so well persuaded that the United States will strictly observe the laws of nations, and rigidly adhere to their neutrality, that I am solicitous to prevent a practice which might expose us to suspicion, and finally involve us in war. On this chapter, it is proper also that I should communicate a fact which may perhaps have escaped your notice, for if it be a matter of serious consequence, let us know it. There are hundreds of blank commissions, which he is to distribute to such as will fit out cruisers in our ports to prey on the British commerce. I am convinced that few of my countrymen will be so lost to all moral sense as to embark in a game so abominable, where the murder of their fellow creatures enters as a leading chance. I am apprehensive, much the more, of the advantage from the gratification of subjects that it could furnish both themselves and their countrymen of the great and certain advantages to flow from honest industry on the present important occasion—an occasion which, duly attended to, and properly cultivated, will give to our navigation an increase too rapid almost for computation, and place us in the happy situation to be in two or three years the exclusive carriers of our immense productions. These considerations weigh much, but they are still but a feather in the balance with those of a much higher nature, which stand in connection with the nature of our Government, and of course with the happiness of generations to come. I know of nothing so dangerous, and I might say fatal to morals, as the sudden and unjustified growth of wealth; but wealth by the means of which it is increased is the same as vice. The suns of fortune and of honor are soon dazzled by the glare of grasping vice, and the young are seduced from the paths of virtue; and virtue once gone, freedom is but a name; for I do not believe it to be among possible contingencies that a corrupted people should be for ever free. Excuse, I pray, my dear sir, my observations, which I cannot restrain; they flow from the conviction of my earliest reason, and are strengthened by the experience of twenty years.

In mine of the 13th of February, I mentioned to you that this country would procure the five hundred thousand men required, and at that time there was every reason to think so, because the recruiting service went on well, for all the new corps which had been raised from the circumstances of delayed pay and reflection, calculated to catch idlers, and that there is a real scarcity of men. The losses of the last campaign are sensible in the mass of population, so that, notwithstanding the numbers thrown out of employ by the stagnation of some manufactures, and the reduction of private fortunes, the want of common laborers is felt throughout the whole
country. Already they talk of draughting for the service—an experiment of very doubtful and dangerous complexion it would, however, succeed just now, but, if delayed, it would not, I believe, go down, and at any rate would not produce in season the required force, especially if the enemy should have any considerable successes: for you must not imagine that the appearances in this country are all real, and you must take into your estimation that the Convention is falling into contempt, because the tribunals govern it imperiously. These appearances, but the people cannot be dupes. It is the old story of King Log, and how long it may be before he shall send them a crane to destroy the frogs and floglings, is a matter of uncertainty. Already they begin to cry out for a dictator. An insurrection is also breathing without objects; whether, I am told, is to destroy the faction of the Girond, I think I mentioned to you, in a former letter, that the death of the King would be the forerunner of their destruc- tion; and already they see the sword hanging over their heads. The majority of the Convention is clearly at the disposition of their enemies.

They are therefore averse to you, and you will see in the gazettes, the decree for opening all the ports of this nation to our vessels on equal terms with their own. You will be so kind as to observe that this was done by]

...the Committee of the Court of Session. Now, you must know that the members of this committee, or at least the majority of them, are sworn foes to the members of the Diplomatic Committee. This is necessary to explain a little what is said in mine of the 12th, about that latter committee. I have received, indirectly, a kind of assurance from the former, (which disposes entirely of the Convention) that they will do any thing for the United States which I will point out, but, in fact, I know not any thing which we ought to ask; the decrees above mentioned contain, I believe, all that we want.

The history of them is not material.

I had the honor to mention to you, also, that I did not believe the attempt against Holland would succeed, and also that time was extremely precious to both parties, especially in regard to Maastricht, in whose fate was involved, perhaps, that of the whole campaign. This town had, I am told, offered to capitulate, but terms of such rigor were insisted on as to induce the French to refuse them. If they had, raised, and unless the French army should gain a victory, I do not see how they are to escape, provided the enemy exerts himself. Dumouriez had taken Breda, and was preparing to enter Holland, being ordered by the Minister of War, to whom he replied that he would go, but the minister must find him his way out. This latter may be no very easy task. The enemy is sending detachments of soldiers and cruisers to the French coast; the French have, indeed, beaten, the allies may cut off the retreat of Dumouriez; in which case, his fate must depend not only on the strength of his army, not over numerous, but also on the state of his magazines, which I believe to be bad. Should Valence be able to take good a gentle retreat, then he may be joined perhaps by Dumouriez at Louvain, and, together, they may cover Bruxelles. There are some more contingencies; such, for instance, are the following questions: What will be the temper and spirit of those departments nearest to the scene of action? What will be the degree of hope or apprehension among the inhabitants of the Low Countries? As to them, you will see by the gazettes that they are fast expressing their adherence to the French republic, freely pronounced. But, since it has been no small question among metaphysicians what it is that constitutes the freedom of the will, there is no small question, also, on this subject, among politicians, as to the case before us. Are they instigated by desire; are they seduced by hope; are they compelled by fear? Alexander, you know, cut the Gordian knot; the United States of America are to cut it out, and the French have imitated the example of that conqueror. Some striking ex- examples of those who opposed the union with France induced all the rest to give both their speedy and their free consent. It is therefore a problem to be resolved, what degree of force must be produced by the allies to operate on the free will of this people in a counter season. I think the solution of that problem is in Brussels. On the whole, my dear sir, the hour is big with important events. As soon as I learn anything more, I will communicate it in the mean time accept the assurances of that respect with which I have the honor to be,

Your obedient servant,

GOVY. MORRIS.

[Enclosures in the foregoing]

LONDON, February 19, 1793.

MY DEAR SIR:

This serves to cover a copy of such passports as I give to American vessels bound out of the ports of this kingdom. The existing circumstances must justify my issuing them, as I conceive those should regularly be issued only from our ports. I have been able to procure but a very imperfect translation of the form for passports annexed to our treaty with France; you may be able to procure for me that which is proper. If you could obtain an order to be published by the French Government to their officers of the marine, privateers, &c., to observe the stipu- lations of the treaty, with respect to American vessels sailing from these ports, it would be of much advantage to our commerce.

I have no doubts myself of their keeping the treaty, but they are entertained at Lloyd's. You will, however, take such steps as you may judge suitable to the circumstances.

THOMAS PINCKNEY.

Paris, February 18, 1793.

MY DEAR SIR:

I have received yours of the 12th, covering the form of a passport. I have been applied to for passports, but have refused to give them. I know enough of mercantile capability to be convinced that attempts of this kind are frequently made to cover, under a neutral passport, vessels, whose owners have saved the whole of their property, and if I were to sit as judge, the passport you give would influence my mind in favor of the captor; and that, on the following simple principle: Real American vessels have their registers and other papers in proper order, consequently, do not need any documents which we can give, and which, in fact, we are not authorized to give. Of course the application for such unauthoriza- tory document proves a consciousness that the rest is but ostensible and not real; perhaps better than any other reason: If we cover the property of enemies, we injure our own citizens, who no longer derive the expected advantage from their neutrality; and what is still worse, perhaps we justify, in some measure, the condemnation of those American vessels who may not possess the passport. You will observe that, by our navigation law, the owner is obliged to make oath to the property of the ship which he shall clear and trade, and that he must give a particular oath of the master, because he deposes to a fact which, from the very nature of things, he cannot know. He is, therefore, to be considered as one who cares not what he swears. Secondly, he does not depose to an essential fact, which he might know, viz: that the ship was built in America; and therefore, I believe that we are better American that the oath is made. Lastly, I know not by what authority the consuls administers such oaths. On the whole, my dear sir, I apprehend this is a commercial scheme, and that the apprehensions expressed at Lloyd's arise from their knowledge of what is concealed from you. I shall endeavor to prevent real American vessels from being detained, and I hope both of these will be for reversing the maxims of criminal justice, and say, better two Americans be confiscated than one fraudulent escape.

THOMAS PINCKNEY, Esq.

No. 22.

PARIS, 8th March, 1793.

DEAR SIR:

In reading over my letter of yesterday, I find that I omitted to mention the war with Spain. Truth is, that it was a matter so much of course, and of so little importance, that it escaped my recollection. Our commis- sioners will doubtless turn it to account. Last evening I was informed that the French army in Flanders has been defeated, but as this is not an official account, I merely mention it as it is, viz: a letter sent express by an individual
FOREIGN RELATIONS.

at Brussels, on seeing sundry runaways arrive, and stores, &c. &c. coming in at sixes and sevens, with the report that the enemy were at the gates. On the other hand, you must take into account that the siege of Maestricht being raised only the 3d, one day's rest would be necessary for the troops which had come on by forced marches. Now, as the action must have taken place at Tongres, about forty miles from Brussels, and the courier in question left that city in the night of the 5th, it would follow that the enemy must have marched from Maestricht in the night of the 4th, and attacked at break of day, otherwise the runaways would hardly have got in by the evening of the fifth. As a whole, there has not just time enough for such an affair to have happened, and that is all. If there is any confirmation I will mention it.

I am, respectfully, my dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

No. 23.

Paris, 9th March, 1793.

Gouv. Morris.

THOMAS JEFFERSON, Esq. Secretary of State.

No. 94.


In mine (No. 23) of the 9th instant, I mentioned to you that the enemy was in possession of Brussels; and so it was then asserted by authority, but it seems that he confined himself to Tongres and Liege, leaving the French army in possession of St. Tron. At the same time, it appears that he was employed in pushing forward a column on his left to turn their right flank, and that much movement has been the French army would, in all human probability, have been destroyed. To prevent the threatened danger, Miranda fell back to Louvain, keeping open thereby the two roads to Antwerp and Brussels. As the enemy will doubtless endeavor to cut him off from the latter, I do suppose that, having his expedition against the Netherlands completed, he will then set out to check Mr. de Cordova. In this case a battle must decide the fate of Flanders and both parties will collect, for the purposes, all the force they can muster. I do not think the position taken at Louvain is tenable, because Brussels may be reached very high by those who counted on success in that quarter, but I do not believe that the whole amounted to more than fifty, or at most sixty thousand, and should those in his rear be now attacked, few of those who number will get back again to France. I understand that the militia are to be drafted immediately, and what may be the success of that measure God only knows. I have not sufficient data on which to fix an opinion, but should it be accomplished by delay, or encounter opposition, the safety of Paris is more in danger than in force.

Adieu, my dear sir. I am truly yours,

GOUV. MORRIS.

THOMAS JEFFERSON, Esq. Secretary of State.

No. 25.

Paris, March 26, 1793.

The last letter which I had the honor to write was of the 13th instant, of which I enclose a copy, as well as of No. 21, 22, and 23, of the 7th, 8th, and 9th instant. I also enclose a copy of the letter from Dumouriez to the Convention, of the 12th instant, which not having been publicly read, he has caused to be printed in Flanders, and the enclosed is from Brussels. This letter, and the pamphlet in which it is published, should be general in circulating victoriously into the country, which I had the honor to communicate in mine (No. 14) of the 21st of December. It accords but badly, also, with a later transaction. He had opened a large loan, on his private credit and account, at Antwerp, but the capitalists having now ordered his arrest, and not having heard what was to be done, I have been compelled to write to you, to inform you that I had. mentioned in my correspondence, I had not noticed it.

I am, with sincere esteem, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

No. 25.
FRANCE.

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The road to Treves. No good opportunity offering, I did not then communicate the result of that expedition, which, by the by, was never made public here; but the fact is, that he lost one-half his army, and those which returned were so weak that they could not stand any longer against the French, with whom they were left to defend themselves. The Prussians were thus driven back, and the French took possession of the whole of the territory between the Rhine and the BelgianNic. There was in the enclosed letter of Dumouriez three things worthy of notice, 1st. the great diminution of the French armies in that quarter; secondly, the violence used to obtain an appearance of union with France; and thirdly, the temper and disposition of the Flemish nation. On the first of these points, it is not probable that the figures given by Dumouriez were more than correct; but as to the latter, it is impossible to determine from where he had taken his ingredients, because they cannot be found in the evidence with Pache, mutilated as it is; and from which you will find that the accounts I had given you of his numbers were incorrect. Between one hundred and one thousand Frenchmen broke into the Low Countries last autumn, and yet what has been the present effect of it? The Prussians and Voltigeurs, who did not exceed thirty-five thousand, is strictly true. But there were sundry parts of the garrisons spread through the country, and all along to the seacoast, making up about ten thousand more. And it is true that many have come out of the hospitals, and many recruits have been sent on; but some have gone into the hospital; and the Thuringians, Bavarians, and Hanoverians, rather than lose some of their discipline, became volunteers and returned to the French service. But the size of those for whom the French took possession of that territory was, I believe, at least one hundred and seven thousand, beside the large numbers which a little previous to the efforts for the expedition to Holland; about all which, I shall say more presently, and only observe here that the army as being reduced by sickness, skirmishes, and desertion, to less than one half of their force. Such, says he, was our situation, when on the first of February you declared war against England and Holland, we, me; and that, in your case, I should not have voted for it. The number of the French, who had mentioned to you in mine of the 7th instant, (No. 21) upon very full information from various quarters of that country, the account which Dumouriez gives is a curious piece for history. The conduct which may naturally be expected from the French, of an able man and ten thousand, to the 7th of March, for the main part, and on the 1st of February, the reason why they had not already avenged the injuries they had received. But no sooner did the movements towards Holland lessen the garrisons distributed among them, than the smothered flame began to break out, and the French have already paid pretty severely for a conduct, of which the instances in modern times are too few.

In my last I mentioned to you that a battle appeared probable, and that it would decide the fate of the Low Countries. This battle took place definitively on the 18th, having been preceded by some warm skirmishes on the preceding days. As I mentioned on the 9th the whole force of the French as not being more than from fifty to sixty thousand, instead of the one hundred and twenty thousand at least, supposed to consist of the paper surplus beyond five hundred thousand, whatever that may be. Thus it seemed that the existent force on the first instant (as borne on the returns) was about two hundred thousand. Note this force is divided, and to be divided, into eight different armies, viz: That of the North, commanded by Dumouriez, the Ardennes, by Valence, the Monsieur de Biron, the North, by Kellerman, the Italy, by Biron, the Pyrenees, by Servan, and the seacoast by Labourdonnay. Deducing from the supposed existing force, for garrisons, sick, posts, and communications, and the numberless contingencies of service, eighty to ninety thousand, we have remaining a total of one hundred and ten thousand to one hundred and twenty thousand in the different armies under arms. So much for a general consideration. To give a more particular one concerneth themselves with

The army of Dumouriez may be stated at ninety thousand, that of Custine at fifty-four thousand, that of Biron at eighteen thousand, those of Valence and Beurnonville, each, seven thousand, those of Kellerman, Servan and Labourdonnay, each, six thousand. Of these three, the smallest army, the first worth noting here, as the others are all in different posts and garrisons. And, by the way, that we may finish at once with Biron's army, (intended to be about fifty thousand strong, but avowedly defective the first instant about thirty-two thousand,) as it has been in a kind of small action for the last three months, and must keep up sundry posts in the interior of the country for the total number, but a few thousand.

We shall come to Custine by and by, but at present we will return to the northern army. As this was to be exposed to the greatest efforts of the enemy, and as the Government counted on success in that quarter for the means to dictate its own terms of peace, the force of it was to be one hundred and forty thousand; but the above deficiency being fifty thousand, leaves the above number of ninety thousand. Deducing therefrom twenty-five thousand for the several garrisons, (of which there are at least a dozen) and for the sick, we have a remainder of sixty-five thousand, of which fifteen thousand were under Dumouriez, in Holland. The armies then of Miranda and Valence did not exceed thirty thousand, which is a number above the usual, and which is probably at this time within the 2nd to the 4th of March, besides what may have gone off in different directions. The army, therefore, which Dumouriez commanded at Louvain (on the 15th instant) could not exceed forty thousand. His loss, between that and the 19th was at least twenty thousand. He cannot, therefore, on the 30th, have had more than twenty thousand, and of these, about ten thousand were Dutch, and perhaps the Dutch contingent depended on circumstances. The scattering bodies of emigrants also formed an eventual force. The whole might, perhaps, be carried to one hundred and fifty thousand, from which it might be well to deduct one-third for posts, garrisons, contingencies, maladies, and deficiencies. On the 1st of April, therefore, Dumouriez must be reduced to half the number of his army, which is what he numbered himself as. He was obliged to commence his operations a month or six weeks sooner than had been agreed on, because the Prince de Hesse (commanding in Maastricht) informed him that he could not answer much longer for the defence of that place, a great part of his garrison being ill disposed, and the citizens unwilling to resist while their houses were crumbling about their ears. I have reason to believe that the information received from the surrender was unfounded. In this state of things a council of war was held, and it was resolved to undertake, at all hazards, the raising of the siege. This was done by the Prince de Cobourg, at the head of about twenty-five thousand (which Ferdinand of Brunswick) came, and, with the French, under Prince de Wessel, with a body of ten thousand (of which the生命力 of France was the same) and those under the French, opening the whole course of the Meuse up to the French frontier, forming a junction with the army of Beauharnais, and eventually cutting off the retreat of the French army by possessing a post in their rear between Mons and
FOREIGN RELATIONS.

Mr. Morris to M. Le Brun.

Paris, March 24, 1793.

Sir:—I have received several complaints of violations committed by French privates on American vessels. I have not communicated them to you, sir, hitherto, in the hope that they would not continue, and I have answered several letters on this subject, (addressed to me by the minister plenipotentiary at London) so as to dissipate the fears which the enemies of the French nation endeavored to inspire in my countrymen. But it appears to me of

With sincere esteem and respect, I am, my dear sir, your obedient servant,

GOUY. MORRIS.
FRANCE.

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much consequence to prevent at least similar violations of the law of nations and of the treaties. Already has been announced to me the capture of the ship Aurora, of Baltimore, by the privateers Le Patriote, of Marseilles; of the brig Le Bacchus, also of Baltimore, by a privateer from Cette; and of the ship Laurence, of Charleston, by the privateer Le Suez Calvet, of Lorient. While avoiding you with the affecting recital of the violations committed on these different occasions, and which were so much the less excusable, inasmuch as they took place after the prizes were taken possession of, and when no resistance was met with. But I earnestly request you to give the necessary orders in order that, for the future, these illegal acts may be no longer committed, the serious consequences of which are incalculable. From the letters of Cusine, you will perceive that he has been totally defeated, for he found it necessary to fall back about forty miles, leaving a garrison in Mayence, which must last of course: and he may hourly expect to hear of further misfortunes in that quarter. Perhaps the Prussian army may stop to besiege Mayence, but I think a part of their force will be sufficient for that purpose. The country, as I have mentioned in a former letter, is universally indisposed to France, and I can say (on good information) the same thing of Savoy. It is now very fine weather in this city, and if the season be proportionately advanced in other quarters, the campaign will soon be opened on every side. There will be a great want of bread before we have another harvest, unless peace should take place. If Liége and Valenciennes should surrender at once, the campaign in that quarter will not be so much advanced as might be apprehended, because yet the magazines are not brought up, and time must be allowed for that purpose. It seems, indeed, probable that the enemy have taken considerable magazines belonging to France, but even these are at some distance. I expect every hour to hear of an attempt upon Givet or Mau- beuge, and it would seem (from the best informations I had) that neither of these places can be defended long. In short, on every side the horizon looks darkly. Whether Dumouriez will be able to lead his army against Paris seems as yet uncertain. Perhaps he may experience a similar fate to that of Lafayette: but he is in much better circumstances for a high game, and much abler to play it. At any rate, the enemy derive advantage from the squabble between him and the Convention. Here they are not yet fully apprised of their danger. Like those who die of a hectic, hope gleams to the last, and the latest breath is spent in expression of some splendid fancy. In the expiring struggles, however, let them happen when they may, we shall experience new horrors. Such, at least, is the probable chance.

The constant complaints, on account of the capture of American vessels, and the necessity of giving protection to such of our countrymen as are here, have prevented me hitherto from leaving Paris. At present the barriers are strictly guarded, and those who have applied lately for passports have been disappointed; but in a few days we shall know something more upon this subject. The ministry seem to be in a fair way towards an entire dissolution. In short, every thing here is in almost as much confusion as on the frontier.

With sincere esteem and respect, I am, my dear sir, your obedient servant,

Thomas Jefferson, Esq. Secretary of State.

[Enclosures in No. 26.]

The Minister of Foreign Affairs to Mr. Morris.

PARIS, March 26, 1793, second year of the republic.

Sir:

I have just sent to the Minister of the Marine, my colleague, the letter which you have done me the honor to write the 5th of this month. I have requested him to pay the most serious attention to the object of the complaints which you have made against the capture, by some privateers of the republic, of three American vessels brought into our ports. I have requested an immediate answer, and I am persuaded that it will be satisfactory.

Never doubt, sir, the dispositions of the republic to avoid, with scrupulous exactness, every thing which might affect the union and good harmony which subsist between her and the United States. Be also convinced of the sincere desire she has of cementing more and more the connexions of friendship and fraternity with her friends and allies, the United States.

I have the honor to be, with sincere attachment, sir, &c.

GOUV. MORRIS.

Mr. Morris to M. Le Brun.

PARIS, March 28, 1793.

Sir:

I received yesterday, and almost at the same moment, the letters which you did me the honor to write to me on the 25th and 26th of last month. I am informed that a communication between France and the United States of America, the French frigate La Prospérité has captured the American ship Mercury, commanded by Captain George Todd, who claims for damages, expenses, and interest, resulting from this capture, the sums of £701 14s. 6d. sterling, and £383 10s. French money. Captain Todd sailed from the port of Maulex for the place of his destination but before his departure he gave to the.rotate his claim. I therefore request you, sir, to be so good as to give an order to the agents of the republic at Maulex, to manage and bring this business to a conclusion with the said M. Hort, or that you will be so obliging as to point out to me how he should proceed to obtain the indemnification which the republic will certainly not fail to grant him.

The Minister for Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 29th March, 1793, 2d year of the republic.

Sir:

I received the letter which you wrote to me yesterday, as well as the papers it enclosed. I immediately sent a copy of them to the Minister of Marine, and requested him to take the most speedy measures for procuring from Captain Todd the satisfaction which may be due to him, and to prevent in future the vessels of our good allies from being exposed to the attacks of our ships of war and privateers.

But a liberal treatment of many of your fellow citizens, who have just experienced proceeds, in part, from the difficulty of distinguishing an American from an English vessel, and from the probable connexion between several
individuals of the two nations to make masked expeditions. In order to preserve to the citizens of the United States all the advantages which result from their neutrality, it is the interest of the American Government to hinder this fraud, and I have every reason to believe that the laws which, in the United States, the national flag, is clear and precise. I know that these laws require not only that the vessel shall be American built, but that the captain and a great part of the crew shall be Americans.

I request you, sir, to communicate to me the last regulation, in this respect, made by Congress, that I may inform the officers of our ports of the fact, and through them, the commanders of our vessels of war. This measure appears to me essential to do away all contest that might arise on this subject.

I have assured you, sir, by my last letter, of the sincere desire of the French republic not only carefully to avoid every thing that might affect the good harmony between the two nations, but to tighten more and more the fraternal connexions which unite them. You will have seen proofs of it in the different decrees which have been rendered by the National Convention in favor of the commerce of the United States.

I have the honor to be, sir, &c.

LE BRUN.

[Note. The Journals are not sent to the Senate, upon a supposition that they do not come within their desire.]

No. 27.

PARIS, April 5, 1793.

DEAR SIR: I did myself the honor of writing to you (No. 26) yesterday. Colonel Touzard, who takes charge of my letters, having been detained a day longer, it furnishes the opportunity of sending this day’s gazettes, and such intelligence as is now arrived. It appears that the army of Dumouriez is attached to him, and will go all the length of which he desires. What is worse, is that the militia also adheres; so that he has all chances now in his favor; and, probably, as soon as the magazines are duly replenished, he will advance; for, under such circumstances, we are not to expect much resistance from the frontier towns. The affair of Custine has been very serious. The garrison of Mayence is shut up in that town, and if it capitulates the enemy derive from the magazines lodged in it the means needful for ulterior operations. Hence, I conclude such terms will be offered as will be accepted of. Custine’s letter, it is entirely open, and, in my opinion, the several passes in the Vosges mountains will be occupied by the column of Hessians, and, in that case, the retreat to France becomes impossible, and he must make the best of it in Alsace. Every hour is now big with important events, and how matters will go in this city the Lord knows.

I am, respectfully, my dear sir, your obedient servant.

THOMAS JEFFERSON, Esq. Secretary of State.

GOUV. MORRIS.

No. 28.

PARIS, 11th April, 1793.

DEAR SIR: An opportunity presents itself, which I make use of, to transmit* copy of my letter of the 1st to Monsieur le Brun, with that of his answer, of the 8th, and of the decrees, which were therein enclosed, viz: of the 18th of February, and 26th of March. I have not sufficient confidence in the conveyance to give you any information beyond what you will derive from the newspapers of which I shall send you a packet.

Accounts from the northward are contradictory and uncertain. The enemy was, however, ready for action three days ago, and, therefore, I presume that we shall hear of him presently.

I am, with esteem and respect, dear sir, your obedient servant.

THOMAS JEFFERSON, Esq. Secretary of State.

GOUV. MORRIS.

No. 29.

PARIS, 19th April, 1793.

DEAR SIR: Enclosed you have copies of mine, of the 8th, 9th, and 11th instants, (Nos. 26, 27, and 28,) also, copies of my letter to Mr. Le Brun, of the 1st and 3d, with a copy of Captain White’s memorial. You have, further, two or three copies of a letter from the Minister of the Marine to the Minister of Foreign Affairs, of the 7th instant, and of two letters of the 8th, from the latter to me; the one covering a circular from the former to the officers of his department in the different ports, and the other two decrees of the Convention, the purport of which I have already communicated.

Since mine of the 5th, I learn that the militia have, in general, quitted the standard of Dumouriez, but he has about twelve thousand of the regular troops, and there is reason to believe that others mean to join him. The terror excited by his defection begins to subside, or rather it is suspended, until some great blow shall be struck. There seems to be more of treason in this country than is imagined, and every day increases suspicion, which, whether well or ill founded, has always the effect of distracting the public councils. Most people wonder at the delay of the Prince de Cobourg; but, besides the necessity of collecting his magazines, artillery, &c. which is a very heavy affair, I have reason to believe that he waits until some other schemes are ready for execution, and, therefore, it may be yet four or five days before he commences the siege of Valenciennes. Could in a needful preliminary, as, in that place, he must receive the various supplies which come up the Scheldt. It cannot hold out long.

You will observe that Dumouriez, and, after him, the Prince de Cobourg, declare themselves in favor of the late constitution, with such alterations as the nation may adopt; and the latter gives the most plausible assurances that he will not meddle with the internal affairs of France. This conduct is wise, and will doubtless gain them a considerable party in the country, if they act consistently with those declarations. It is said here (and those who say so to me tell me that they speak on good authority) that the Powers allied against France begin already to be disinclined. That they will disgrace (if successful) there can be little doubt, because they are actuated by different interests and motives; but I think that, at present, those who assert the disunion rather speak from induction than from information. Custine has retired, you see, to Weissenburg, and there he has a bad position. The enemy will probably make a stand at Neufchâteau. Here, at present, we do not learn that the Austrians have crossed the Rhine in Upper Alsace, and that will be, perhaps, a preliminary to the operations against him.

As far as I can judge the public mind, it seems that there is a general state of suspense. Success on either side will fix the opinions of a very great number, who will then act to show their sincerity. Here, they hang people for giving an opinion in favor of royalty, (that is, they cut off their heads) but yet I am told that such opinion is openly avowed and supported in the streets. I am told that there is a majority even of the Convention who think a king necessary, but, as they see the loss of their own lives in connection with the re-establishment of the throne, it is not to be supposed that they would tell such thoughts, and, therefore, the information may well be suspected. Time will show that there are among them some false brethren; and, certainly, the most intelligent must be convinced that the republican virtues are not yet of Gallic growth. The Duke of Orleans is in the way of reaping the fruits

*See Mr. Morris’s despatch, No. 29.
FRANCE.

THOMAS MORRIS.

P. S. I have mentioned that I am told there is a plan in operation here to detach Great Britain from the Confederation, and make a separate peace with her, but I am persuaded that the attempt, in itself vain, must fail, from the parties said to be employed, if from no other cause.

[Enclosures in the foregoing despatch.]

Mr. Morris to M. Le Brun.

PARIS, 1st April, 1793.

SIR:—I have the honor to receive your letter of the 29th March, and I have in consequence that of sending you, herein enclosed, the formula of the certificates of registry with which American vessels should be furnished. Our Government has granted such certificates only to vessels wholly belonging to the American citizens. They must also, have been built within the United States, or have belonged to American citizens from the 16th of March, 1793. The law of the United States requires, besides, that the captain should be an American citizen, and before the curregistering of the vessel, that one of the owners attests, under oath, to the truth of all the facts. In fine, the captains and owners are prohibited from giving selling, or lending, the certificates of registry; and it is declared that, in case they are made use of for the purpose of putting a foreign vessel under an American flag, she shall be liable to confiscation. Such, sir, are the regulations made on the 1st September, 1793, and I am not informed whether, since that time, any change has taken place in them. I have read, indeed, in one of our gazettes, that, in the course of the month of January, a new law on this subject had been presented for the approbation of the President of the United States, but I am ignorant of its contents, not having yet received a copy of it. I am persuaded, however, that it does not essentially differ (as to the subject in question) from that of which I have just had the honor to speak to you. I shall, therefore, sir, attempt to communicate it to you, as it is in my inclination, as well as my duty, to prevent, as far as possible, foreigners, and especially the enemies of France, from enjoying the privileges of our neutrality.

I am well persuaded, sir, of the good dispositions of the French republic towards that of America, and I shall continue to give a faithful account of it: for I sincerely desire, more and more, to cement the connections which unite the two countries. It is in consequence of that same desire that I request you, sir, to be so obliging as to have me furnished with a copy of the decrees rendered by the Convention to which you do me the honor to refer me. Hitherto I have not had it in my power to speak of them, in my despatches, except in a general manner, having had no other communication of them than through the uncertain medium of the gazettes.

Monsieur Le Brun, &c.

Mr. Morris to M. Le Brun.

PARIS, 3d April, 1793.

SIR:—I have the honor to present to you, herein enclosed, the copy of a memorial this moment presented to me by Captain Thomas White. It gives me pain, sir, to be obliged so often to trouble you with such disagreeable subjects. I know that, in the war of revolutions, accidents will happen, much against the views of an enlightened administration, and I have the honor to annex to this letter, the copy of a proclamation which the Congress of the United States of America has thought proper to make, in circumstances, in some degree, resembling those in which the French republic are at present. I do not doubt, sir, but that you will put in execution, against violations of the treaty, the conventions herein stipulated, in regard to them, and particularly in the fifteenth article.

I have the honor to be, &c.

M. Le Brun, &c.

To Mr. Morris, minister plenipotentiary from the United States of America to the republic of France, the memorial of Thomas White, Captain of the ship Lawrence.

Captain Thomas White sailed from Charleston, the 7th of February last, on board the ship Lawrence, which he commanded, for London, with a cargo of rice and indigo. The 21st of March, being in the latitude of Portland, he met with a French privateer, called the Sara Calotte, of Honfleur; the latter fired a cannon at him, and desired him to bring to, and endeavor to come alongside, which he could not effect. Captain White, persuaded of the existence of peace between France and the United States, came to, after hoisting his American flag. The privateer ordered him to hoot his boat, and to come on board, which order was accompanied with the most hostile threats; however, Captain White obeyed immediately, and, to leave no room for suspicion of his good faith, he presented to the captain of the privateer his sea letters and clearance of the custom-house of Charleston. He seemed to be satisfied, and returned the papers; but he sent eight men on board the American vessel, and detained those who had gone on board. He presently sent others from on board of the American vessel, and, finally, there were left on board the ship Lawrence, only the Captain, one sailor, and cabin boy. They then changed the course of this ship, and the two vessels entered the Road of Havre de Grace the 23d of the same month.

On entering the port, Captain White went to his chamber for some linen, and effects, which might stand in use of shore. Then the French crew permitted themselves to treat him in the most unparallel manner; they loaded him with injuries, cut him with a sabre, pillaged all his effects, and even his last secret papers.

The ship Lawrence was insured for London, and this vessel having been brought to Havre, the insurance is lost: the cargo was composed of rice and indigo; there is no doubt of its being much injured, since the vessel — before she could enter the harbor perhaps it may also have been pillaged. In a word, Captain White has been injured, struck with a sabre, and plundered of all his effects.

He supplicates, therefore, the minister of the United States to the republic of France to take his complaint into consideration, and to have justice done to him.

Paris, 2d April, 1793, 2d year of the French republic.

Copy of a letter from the Minister of Marine to the Minister for Foreign Affairs.

THOMAS WHITE.

I have received, my dear colleague, the copy which you addressed to me, of the second letter written to you by the minister plenipotentiary of the United States of America, concerning the capture of several American vessels, in contempt of the neutrality of the same States, and of the treaty of commerce subsisting between the two nations.
Immediately, on the first information which you had the goodness to transmit to me on this subject, I gave the most particular orders, for the purpose of conciliating to that friendly Power all the attention she has a right to expect from a nation jealous of discovering a religious observance of her treaties, I cannot doubt the punctual execution of those orders, and the minister plenipotentiary of the United States shall be assured, in every case, of obtaining the utmost prompt and full satisfaction, provided the vessels of that nation conform themselves, with the same exactitude, to the laws relative to the transportation of warlike stores, and other objects, prohibited, in time of war, to be carried in neutral and ally vessels.

MONGE.

PARIS, 8th April, 1793, 2d year of the republic.

SIR:

I have received the new claims you have addressed to me concerning Captain Thomas White. I immediately informed the Minister of Marine of them, and requested him to take the necessary measures for having ample justice rendered to the captain.

I shall always receive, with pleasure, the communications you may think proper to make to me, for securing to the flag of the United States the protection which the law of nations, and the fraternal dispositions of the French republic, fully allow it.

That you may be able to judge more particularly of our intentions in this respect, I enclose, herein, the copy of a circular letter which the Minister of Marine has addressed to the civil ordonnateurs in the different ports of the republic. You will be so obliging as to make it known to the consuls of your respec

I have the honor to be, &c.

LE BRUN.

Copy of a circular letter written by the Minister of Marine to the civil Ordonnateurs in the different ports of the Republic.

PARIS, March 30, 1793, second year of the republic.

CITIZEN:

Being informed that some French privateers have taken vessels belonging to the United States of America, I have the honor to request you to take the most speedy and efficacious measures to put a stop to this robbery, which essentially compromises French honor and loyalty. You must be sensible of how much importance it is to the republic to preserve the good intelligence subsisting between her and the United States, and to tighten, if possible, the bonds of a fraternal alliance with people, who, having conquered and obtained liberty, value our principles, and respect our measures, and to use all the means which you shall have taken on this subject, you will concert as well with the maritime districts as with all the constituted authorities, who will doubtless readily concur in this act of justice, and of the law of nations.

MONGE.

PARIS, April 8, 1793, second year of the republic.

SIR:

I have received the letter which you have done me the honor to write to me, on the 1st instant, as well as the formula of the certificates of registry enclosed in it. I shall send a copy of it to the Minister of Marine, requesting him to make it officially known in the different ports of the republic.

Besides this proof, fully attested, it were to be wished that the American vessels might be furnished with a passport agreeably to the model annexed to the treaty of commerce of 1778. I have instructed Citizen Genet, minister plenipotentiary of the republic at Philadelphia, to require of the Government of the United States a regulation for having all American vessels furnished with those passports, to prevent every difficulty that might arise in that respect.

I cannot at all doubt, sir, but that the dispositions you manifest, of tightening more and more the bonds which unite the two nations, are also those of your constituents. It is under this persuasion that the National Convention passed the two decrees, of which I herein enclose copies.

I have the honor to be, &c.

LE BRUN.

Décret de la Convention Nationale du 18 Fevrier, 1793, de la 2e de la république, relatif aux denrees exportées ou importées par des vaisseaux Amériqains dans les colonies, ou en France.

La Convention Nationale, après avoir entendu le rapport de son Comité de Défense Générale, décréta ce qui suit:

Article premier. Tous les portages colonies françaises sont ouverts aux vaisseaux des États Unis d'Amérique.

2. Toutes les denrees exportées ou importées par les vaisseaux Amériqains, ne payeront à leur sortie, ou à leur entrée, en France, que les mêmes droits percus sur celle que portent les batimens Français.

3. Le conseil exécutif est autorisé à prendre toutes les mesures raisonnables pour que les États avec lesquels la république est en guerre, ne puissent profiter des avantages accordés à une paix amie.

4. Le conseil exécutif négosiera avec le Congrés des États Unis pour obtenir, en faveur des commerçants Français, une réduction de droits semblable à celle qui est accordée par la présente loi aux Américains, et pour preserver ainsi les liens de bienveillance qui unissent les deux nations.

5. La Convention Nationale suspend l'exécution de la loi du 28 Aout, 1790, décrète que tous les batiments chargés de marchandises des grandes Indes pourront aller débarquer dans tous les ports de la république pendant tout le temps qui durera la guerre, et que les vaisseaux qui n'apporteront que des denrees des îles de France et de Bourbon jouiront désormais de la même liberté.

[Translation.]

Decree of the National Convention of the 18th of February, 1793, second year of the republic, relative to produce exported or imported by American vessels into the colonies of France.

The National Convention, after having heard the report of their Committee of National Defence, decrees as follows:

Article 1. All the ports of the French colonies are open to the vessels of the United States.

2. All the produce exported or imported by American vessels shall pay, on going out of, or arriving in, the ports of France, only the same duties as if carried in French vessels.

3. The executive council is authorized to take all convenient measures, in order that the States with whom the republic is at war do not profit of the advantages granted to a friendly Power.

4. The executive council will negotiate with the Congress of the United States to obtain, in favor of the French merchants, a reduction of duties similar to that granted by the present law to the Americans, and thus tighten the bonds of benevolence which unite the two nations.

5. The National Convention suspends the execution of the law of 28th August, 1790, decrees that all vessels laden with merchandise of the East Indies may embark in the ports of the republic during the continuance of the war, and that the vessels which bring only productions of the Isles of France and of Bourbon shall henceforward enjoy the same liberty.
Décret exempting from all duties the subsistances and other objects of approvisionnments in the colonies, relatively to the United States, pronounced on the 18th March, 1793, second year of the French republic.

The National Convention, willing to prevent, by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America, to grant new favors to their commerce, and to renew the commercial relations with the colonies of France, in the same manner, as the vessels of the republic, decree as follows:

Article 1. From the day of the publication of the present decree in the French American colonies, the vessels of the United States, of the burthen of sixty tons at the least, laden only with meals and subsistances, as well as the objects of supply, announced in article second of the arrêt of 30th August, 1784, as also lard, butter, salted salmon, and candles, shall be admitted in the ports of the said colonies, under the condition that the customs shall extend to the French vessels laden with the same articles, and coming from a foreign port.

Article 2. The captains of vessels of the United States, who, having brought into the French American colonies the objects comprised in the above article, wish to return to the territory of the said States, may land in those countries, independently of the siropes, rhums, taffias, and des marchandises de France, une quantité de café équivalente au cinquième de tonnage de chaque navire, aussi qu’une quantité de sucre équivalente au dixième du tonnage, en se conformant aux articles suivants.

Tout capitaine de navire américain, qui voudra faire des retours dans les Etats Unis en café et sucre des colonies françaises, devra justifier que son bateau y est entré aux deux tiers au moins de sa charge, suivant l’article premier à cet effet, il sera tenu de remettre, dans les 24 heures de son arrivée, au bureau des douanes du lieu du débarquement, un certificat des agents de la marine qui constate la jauge de son bateau, et le tonnage effectif de son chargement.

En tous les dites douanes s’assurant que l’exportation des sucre et café n’excèdent pas les proportions fixées par l’article 2 du présent décret.

Les capitaines des bateaux des Etats Unis d’Amérique ne payeront, à la sortie des îles, ainsi que de ceux de la république, qu’un droit de 5 livres par quintal d’indigo ; 10 livres par milliers de contes, 2 livres par milliers de café ; 5 livres par milliers de sucre, tete et terê, et cinquante sous par millier de sucre brut. Toutes autres marchandises seront exemptées des droits à la sortie des dites colonies.

Les sucre et cafés qui seront chargés, payeront dans les douanes des colonies françaises, ou seront établis, en sus des droits ci-dessus fixés, ceux imposés par la loi du 19 Mars, 1791, sur les sucre et café importés des dites colonies en France, et conforme à la même loi.

Les capitaines des bateaux des Etats Unis qui voulaient charger des marchandises, dans les dites colonies pour les ports de France, fourniront au bureau des douanes du lieu du départ les soumissions exigées des armateurs des bateaux français, par l’article 2 de la loi du 10 Juillet, 1791, pour la délivrance de la décharge de ces marchandises dans les ports de la république.

Les bateaux des nations avec lesquelles la république a conclu un traité de paix, pourront porter dans les colonies françaises d’Amérique, des marchandises et des objets desus designés par le présent décret. Ils pourront aussi rapporter, dans les ports de la république seulement, toutes les denrées des dites colonies, aux conditions énoncées dans le dit décret ainsi que dans celui du 19 Février.

No. 30.

Saintonge, (out Paris) 30th May, 1793.

Dear Sir,

I have the honor to transmit, herewith, the copy of mine (No. 29) of the 19th of the last month. You will see by the gazettes the state of affairs, as given to the public; but much allowance must be made, as I have already had occasion to mention. It is, however, clear, that the greater part of those troops which adhered to Dumouriez have returned to their country, and many to their standards. It is evident, also, that the Prince de Co- borromes, as most of the other officers who have been his masters and their associ- ates, since he has found it proper to release that proclamation; but whether for what is there said as to the Government or as to the territory of France, may admit of doubt; perhaps there may be a little of both in the objections made against it. The delay to be noticed in the operations of the allied armies proves, in my opinion, two important facts: one that they mean to leave as little as possible to chance, and therefore wait the arrival of all their forces; and the other, that the original plans of the campaign are to be steadily pursued. Hence, I infer that the supposed disunion, mentioned in my last, does not exist in any essential degree. It seems that the Austrian artillery was
not come up very late, so as to open the trenches against Condé, which hitherto has been rather invested than besieged. It seems, also, that the Hanoverian troops have come on so slowly as to have given every advantage to the French armies in Holland, if the successes of the Prince de Cobourg, in Flanders, had not rendered the proposed invasion abortive. However, the period being now arrived about which it might reasonably be expected that the weather would permit of offensive operations, and the country afford resources to the cavalry of the armies, we shall soon know somewhat of the comparative strength of parties. On the frontier they have to besiege, not only Condé, but Valenciennes, Bouchain, and Cambry, in order to open a road in the direct line of advance, besides which, it would seem that they want Douay and Arras, on the right, with Bavay and Maubeuge, on the left, to cover their flanks. Hence results the formation of seven sieges, after Condé, in order to open the road fairly to Paris, while, on the seacoast, they would want only Dunkirk and Calais, after which they might march securely along the coast, taking possession of the ports and erecting slight works to cover their retreat, should retreat become necessary. I am persuaded, therefore, that the main efforts will be made still in that last direction, unless intelligences are established in the way of an offensive. Mtona, Jacob, and the other resistance of the troops in the possession of the Valenciennes and the region of the district are not disposed to resist. The militia, or volontaires, are, however, well determined. I know that the Government are very apprehensive as to Normandy, and I still believe in a descent there, and consequent revolt. You will have seen that the insurgents on the southwest of the Loire have had, hitherto, very considerable success, although the gazettes have treated of accounts of their retreating. That they have hitherto received no succor from abroad, confirms me in the opinion that the main blow is to be struck on the side of Normandy, unless, indeed, the enemies of France are absolutely blind. I learn that the army of Biron has suffered very severely in the defeat—all published as victories gained over the Piedmontese. However, a year on French territory (notwithstanding the numerous foes) remains untouched, though on all sides greatly menaced.

Enclosed you have copies of my letters of the 28th of April and 14th instant, to Mr. Le Brun, the Minister of Foreign Affairs, with that of his answer of the 17th, and my reply of to-day. These pieces require no comment.

With sincere esteem and respect, &c.

THOMAS JEFFERSON, Esq. Secretary of State, Philadelphia.

[Enclosures in the foregoing despatch.]

GOUVERNEUR MORRIS.

SIR:—SAINPORT, (by Melun) 28th April, 1793.

Captain Alexander Frazer, commanding the American ship Fame, belonging to Mr. Thomas Dickinson, of Boston, has this moment complained to me, and supports the same by the enclosed statement of it: The Captain freighted his vessel to Mr. Thomas Johnson, a citizen of the United States of America, and consul of the United States, at London, to come to Dunkirk, there to take in, on the account of the said Mr. John- son, one hundred and eighty-two pipes of consine brandy, and to carry them from Dunkirk to Altona. The cargo being completed, and Captain Frazer found that his powers from Mr. Johnson were not departing for his destination, when he was opposed, in consequence of a resolution taken by the Assembly of the Council General of the commune of Dun- kirk, under the presidency of the mayor and municipal officers. This resolution is founded upon two considerations: first, it is supposed that the brandies in question might have been destined for England, but afterwards that they were destined for Altona; and admitting that the detention in this case would be an attack upon the property of the said Mr. Johnson, they declare that the scarcity of brandies in that place renders all supplies of this kind very valuable, and, in consequence, it was agreed that those laden on board the ship Fame, Captain Frazer, by order and on account of Joshua Johnson, consul of the United States of America, residing at London, and destined for Altona as aforesaid, were to be discharged, &c.

I am so well convinced, sir, of your justice and exactitude in having the laws and treaties of the republic observed, that I confine myself to the simple relation of the facts which I have just had the honor of stating to you above.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

SIR:—PARIS, 14th May, 1793.

I have this moment learned that the National Convention, in the sitting of the 9th, authorized the French vessels of war and privateers to arrest, and carry into the ports of the republic all neutral vessels which shall be found laden, in whole or in part, either with articles of food belonging to neutral Powers, and intended for an ene- my's port, or with merchandise belonging to an enemy, which merchandises are declared lawful prize.

I am unacquainted with the reasons, sir, which have given rise to this decree, but I think I can foresee that, as to articles of food, the rules which the national convention have adopted will be the same as those which have been adopted by our former and ancient enemies, and that, henceforward, commercial speculations will depend on the point of subsistence of the naval superiority between the belligerent Powers.

As to the disposition of the decree with regard to enemy merchandises on board of neutral vessels, one might go into a detail of observations were it to fix that matter by a treaty yet to be formed, but that object being already regulated in a definitive manner by the treaties of commerce between France and the United States of America, I confine myself to observe to you, sir, that, from the general terms of the decree, the dispositions of it might be extended to American vessels, and that that most certainly was not the views of the Convention.

It appears to me, therefore, of consequence, sir, to make a supplementary decree to that of the 9th, in order to limit the application of it in a manner agreeably to the justice and good faith of the French nation.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

SIR:—PARIS, 17th May, 1793, 2d year of the Republic.

I have received the letter which you have addressed to me, requiring, according to the terms of the treaty of commerce, that the vessels of the United States be exempted from the dispositions of the decree of the National Convention, which authorizes the vessels of war of the republic to seize, on board of neutral vessels, the articles of food, as well as the merchandise belonging to an enemy, or which have been given by him to his friends.

In consequence of your complaint, I wrote immediately to the Committee of Public Safety, in order to engage it to make a report thereon to the National Convention. The committee have approved the observations which I made to them on that subject, and they will, without delay, demand of the council, except in the particular stipulations contained in the treaties of commerce, will not be subject to the dispositions of the decree of the 9th.

I have also taken the necessary steps in order to obtain from the Provisory Executive Council a decision concerning the exemption of the American vessels from the operation of one, of which, however, I am informed that the council has reserved to itself the decision of the case in the first instance.

The dangerous situation in which the town of Dunkirk now is, has justified, in the eyes of the council, the pre- caution taken by the municipality of that place, to hinder the exportation of brandy. The decree, of which I herein enclose a copy, will enable you to appreciate the motives of the determination of the Executive Council, and in order to direct the steps which the captain of the ship Fame is authorized to take to obtain from the municipality of Dun- kirk a just indemnification for the expenses of the delay he has experienced.

I have the honor to be, &c.

LE BRUN.

MR. MORRIS.
Extract from the Registers of the deliberations of the Provisory Executive Council of the 16th May, 1793, 2d year of the republic.

On the report of the Minister for Foreign Affairs, touching the claim made by the minister plenipotentiary of the United States, relative to a vessel of his nation laden with brandy, and detained by the municipality of Dunkirk, from motives of precaution, seeing the probability of an immediate attack of that city by land and sea,

The Provisory Executive Council, considering the immediate danger in which the city of Dunkirk is, and the necessity of not depriving it of any object of supply for the support of the troops, approves of the precaution taken by the administrators of that city.

Considering further the connexions of friendship subsisting between the French republic and the United States of America, and not wishing in any manner that the extraordinary case of the captain of the American ship *The Fame* should be prejudicial to the interests of his employers,

The Provisory Executive Council charges the municipality of Dunkirk to have ascertained the expenses of lading and unloading the above mentioned brandies, as well as those of the delay the captain has met with, and to pay him their amount.

The Provisory Executive Council, besides, charges the Minister for Foreign Affairs to send to the minister plenipotentiary of the United States, copy of the present arret, and to inform him of the imperious circumstances which have prevented the council from attending to his demand.

True copy conformable to the register 15th May.

The Secretary of the Provisory Executive Council.

PH. GROUVELLE.

True copy.

LE BRUN.

SAINPORT, 30th May, 1793.

Sir:

I have this moment received the letter which you have done me the honor to write to me on the 17th, with the deliberation it enclosed of the Executive Council of the 14th.

It appears to me natural, sir, to secure, in a city threatened with a siege, the supplies which are necessary for it, and to suspend for that purpose the general commercial laws. I, at the same time, see with pleasure, that the council has determined to have rendered to the interested the indemnification which justice requires. Such are always the proceedings of a free people. I ought, however, to observe to you, sir, that the person who has made the bargain for the capture of brandy on board of the *Fame* is exposed first to the inconvenience of being liable for the amount until circumstances permit him to export them, and afterwards to the payment of the lost freight. Therefore, I venture to flatter myself that the council, in the course of the justice which presides over their deliberations, will have the goodness to expedite their orders for arranging the whole of this business with the correspondent of Mr. Johnson at Dunkirk, so as to do away all pretext for complaint against the French Government in those who might be disposed.

As I am fully persuaded, sir, that the representatives of the French nation will never be deficient either in the purity of its conventions, or in the loyalty of its character, I have this moment informed our Government that the decree of the 9th will, in a few days, undergo the changes which you have had the goodness to announce to me.

I have the honor to be, &c.

GOUV. MORRIS.

Mr. LE BRUN, &c.

No. 31.

SAINPORT, near Paris, 1st June, 1793.

Dear Sir:

My last (No. 20) was of the 30th of May. I had the honor to transmit therein copies of my last correspondence with the Minister of Foreign Affairs. Herein I have the pleasure to send a copy of his letter to me of the 26th, covering copy of the decree of the 33d.

I shall not say any thing at present upon the state of public affairs, but refer to what I have formerly said, and to the developments contained in the gazettes.

With sincere esteem and respect, I have the honor to be, dear sir, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

[Enclosed in the foregoing dispatch.]

PARIS, 26th May, 1793.

Sir:

Conformably to the dispositions which I have had the care of communicating to you in my letter of the 17th instant, I have the satisfaction now to transmit to you copy of a decree passed by the National Convention, which declares that the vessels of the United States are not comprehended in the decree of the 9th May. You will there find a new combination of the principles, from which the French people will never depart, with regard to their good friends and allies the United States of America. You will also be convinced, sir, that the confidence that you have placed in the loyalty of the republic, by informing your constituents of the dispositions which I have communicated to you, was well founded.

I have the honor to be, &c.

LE BRUN.

Mr. MORRIS, Minister Plenipotentiary of the United States.

Décret de la Convention Nationale du 23 Mai, qui déclare que les batimens des Etats-Unis ne sont pas compris dans les dispositions du décret du 9 Mai.

La Convention Nationale, après avoir entendu le rapport de son Comité de Salut Public, voulant maintenir l'union établie entre la république Française et les Etats-Unis d'Amérique, décrète que les batimens des Etats-Unis ne sont pas compris dans les dispositions du décret du 9 Mai, conformément à l'article 16 du traité passé le 16 Février, 1778.

Pour copie conforme, LE BRUN.

Décret of the National Convention of the 33d May, which declares that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May.

The National Convention, after having heard the report of their Committee of Public Safety, wishing to maintain the union established between the French republic and the United States of America, decree that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May, conformably to the sixteenth article of the treaty concluded on the 16th February, 1778.

True copy. LE BRUN.
FOREIGN RELATIONS.

No. 32.
SAINTPOM, 13th June, 1793.

DEAR SIR:

This will accompany duplicates of Nos. 29 and 31. I have now the honor to transmit a copy of the decision made by the municipality of Dunkirk on the 3d instant, respecting the ship Fame, which I received last night in a letter from that place of the 7th, which informs me that the ship was then sailed. I have just now written to Mr. Le Brun (who by the by is en état d’arrestation) a letter of acknowledgment, copy whereof is enclosed. I derived pleasure by being able to inform him of the good news. I have heard the news of the best regulated Governments it isdifficult to prevent the violation of the rights of neutral Powers, and much more so, where, in the tempests of a revolution, Government resembles more a weathercock, marking from whence the hurricane arises, than a tower to resist its force. Whenever a good opportunity presents itself I shall take the liberty to have you apprised of such late events for I respect, sir, too much your curiosity to state that it is not quite determined whether shall be the conventional appellation of what passed in the end of May.

I am, with esteem and respect, dear sir, your obedient servant,

GOV. MORRIS.

THOMAS JEFFERSON, Esq. Secretary of State.

[Enclosed in the above dispatch.]

Extract from the Registers of the deliberations of the municipality of Dunkirk, of the 3d of June, 1792, 2d year of the republic.

A letter having been presented by citizen Brown, from the Minister for Foreign Affairs, of the 30th of May last, to Captain Alexander Fraser, commanding the ship Fame, relative to the cargo of brandy embarked on board of him, and according to which he is authorized to pursue his voyage: considering that, after having conferred with citizen Carnot, his representative, it was agreed yesterday to take off the embargo laid on the said vessel, and after having had an interview with citizen Brown on the indemnity which the said captain might require, which indemnity has been agreed up to the amount of the original indemnity; the said captain has also agreed to make certain advances to the said vessel in consequence of which, the said captain is authorized to depart as soon as he shall think proper, we engaging to pay, or cause to be paid, to citizen Brown, the indemnification agreed on.

MAEYENS, Registering Secretary.

SAINTPOM, 12th June, 1793.

SIR:

I have just learned, with satisfaction, that you have permitted the ship Fame to sail from Dunkirk, with the cargo of brandy, on granting to Captain Fraser an honorable indemnification for the delay occasioned him. I shall immediately render an account thereof to the ministers of the United States; and I venture to assure you, sir, that the open and loyal conduct of the French Government in regard to us, will calm the uneasiness which particular facts might have given rise to in the minds of my countrymen.

I have the honor to be, &c.

Mons. LE BRUN, Minister for Foreign Affairs.

No. 33.

SAINTPOM, 29th June, 1793.

DEAR SIR:

This will, I expect, accompany my last, (No. 32) of the 12th instant, no opportunity having offered since it was written. I do myself the honor to enclose herein the copy of what I wrote on the 12th instant, to Mons. Le Brun, respecting an atrocious violation of our flag, and respecting a very extraordinary step taken by the Convention in the repeal, on motion of a member, of the decree by which our ships were exempted from the seizure to which those of others were exposed. I was informed that the object of the decree I complained of, was to effect the confiscation of a large cargo belonging to citizens of the State of South Carolina, and which has been, sometime since, acquitted at Havre, but an appeal made from the decision of the court, though grounded on the clearest principles, was determined against the captors then declared that they would obtain a decree for the confiscation, by means of their rights in the convention, and, sometime afterwards, that of the 9th of May appeared, in which a retrospective clause covered precisely the object they had in view. Such a coincidence of circumstances was somewhat remarkable; however, I most unwillingly referred to it in my first application, which (as you will have seen) produced the desired effect, being the decree of the 23d of May. The interested parties, as soon as this decree was passed, went to work, as (I was afterwards informed) and by force of money, as my informant says, procured the decree of the 25th. Certain it is that the former was not sent on to be enregistered until after the latter had passed, and then both were immediately forwarded together. It did not become me to give ear to calumny suggestions, nor yet could I be totally deal to a matter of such general importance to the United States. You will perceive, in the close of my letter to M. Le Brun, some general observations, which may render the corrupted members, if such there be, a little more cautious. I shall also enclose, herewith, a copy of M. Le Brun’s answer of the 21st instant, to mine of the 19th.

I had directed Mr. Collyns, the agent at Dunkirk, to cause a prosecution to be commenced against the murderer of our fellow-citizen.

In a letter, written long since, I mentioned to you, sir, that I was in quest of M. Merlino. I have since found him, and conversed with him. He is immensely rich, but seems to have been the father of his own fortune.

If I can judge from his countenance, the inquiry was on foot in the hope of negative answers, and the affirmative is of course not pleasing. Certain it is, that he showed no inclination to spare to the necessities of his nephews a part of his own abundance; but this is the less reprehensible, in that he treats himself no better than his own relations.

Your favor of the 29th of April reached me two days ago, and now I have those of the 8th of that month, and 12th and 13th of March. To the contents of the last mentioned letter, I shall pay all due attention, whenever opportunity shall have been found or made for the purpose. I am happy to think, sir, that you have been in receipt, by the 8th instant, of the original of the 13th of March, that your sentiments accord so entirely with those which I had the honor to express in mine of the 20th of August, and that the conduct which I had thought it proper to pursue is thereby justified. My correspondence with Mr. Short will have shown you, sir, that I have been very far from questioning the principles which you state; and I perfectly agree in the maxim in the application of clear principles when the facts are clear. But, while events are doubtful, the feellessness of human foresight may, I hope, be pardoned for hesitating where things of vast moment depend on steps to be immediately taken. A man of so little eminence in the late revolutions, and who has since left France, urged me much to go away, shortly after the 10th of August. As I had not (and have not) any reason to question, either on my own account, or on that of my country, the sincerity of his advice, I could only examine the ground of his judgment, which has always been esteemed a good one. We differed in opinion, but the sentiment he expressed strongly: “In your case, said he, I would go to England or Holland, and from thence state the existing facts, and ask my court to decide at once on my conduct, without waiting for future events.” As it was clear from hence that his reflections turned principally on my personal situation, I told him that my conduct would be influenced by considerations totally different, and, therefore, conceiving it most conducive to the interests of the United States, I should stay.
In the present moment, you will observe, sir, by the public papers, that a majority of the departments declare themselves against the authority of the present convention, after the arrestment of their fellow members, just as, in the month of June last, a similar majority declared their execution of the attempt on Louis the Sixteenth; but who will venture to tell us what Augst is to produce in the next? A small part of the insurgents, wherever the insurgents arrive, it appears that the whole country is friendly to them; so that, if one were to judge by the number of the insurgents in that quarter, France would be nearly unanimous in the re-establishment of royalty, should they come in force to Paris. Then the established principle of administration would undoubtedly be, that all which has been done within the last year was an abominable usurpation, &c. &c. And without exception of Government, they might dissent from the application of them, by a subtle distinction between the voice of a nation, and what would then be called the voice of a faction. Under circumstances of this sort, I am particularly happy to have recourse to your orders, which I shall implicitly obey. Accept, I pray you, my sincere thanks for having given them to me so opportunely.

I will apply to the minister for the orders you wish respecting payments to our citizens, and make no doubt that they will be transmitted. And, indeed, I should suppose that if, without such orders, the payments were made by the minister, who is the arbiter of the country, the system which Government would allow the justice of a deduction to the amount from what we owe. It is possible that we may have occasion to insist on that principle; among other reasons, because of the plundering of our ships, of which complaints are daily made, and to which the present Government of this country is too feeble to prevent. Doubtless, what has been done is, or, at least, I have reason to think, the King in the Tulleries. In short, you will find, in the list of those who were ordered by their brethren to be arrested, the names of those who have proclaimed themselves to be the prince molers of the 10th of August, and fathers of the republic.

I am hurt and vexed at the delay of my affairs, for which I say of the advice which had received on the 20th of April, nine, down to the 13th of February, ought to have reached you by that time; and, indeed, notwithstanding the length of winter passages, there was room enough for their arrival. But the mischief arises from the ports where vessels are put up, as to sail on one day named, and, some four or five weeks after, we learn that they are still detained, and that it would be in vain to try to reach the port. This, you will find, in the list of those who were ordered by their brethren to be arrested, the names of those who have proclaimed themselves to be the prince molers of the 10th of August, and fathers of the republic.

I am hurt and vexed at the delay of my affairs, for which I say of the advice which had received on the 20th of April, nine, down to the 13th of February, ought to have reached you by that time; and, indeed, notwithstanding the length of winter passages, there was room enough for their arrival. But the mischief arises from the ports where vessels are put up, as to sail on one day named, and, some four or five weeks after, we learn that they are still detained, and that it would be in vain to try to reach the port.

The assurances you give in your letter of the 20th of April, that our fellow-citizens are disposed to preserve an exact neutrality, gives me sincere pleasure, as well as from what I took the liberty to say on that subject in former letters for the present, I can see nothing that indicates neutrality by the treaties concluded by the French above a year ago, for, because, if there is any part marked out for sale in Europe, I think, in the present critical moment, purchasers would be found. By the by, I think a plan might be formed for purchasing land and building houses there, by way of actions; but I shall not dwell thereon at present, and will write more fully about it when I receive the plans and letters you promised to send me.

By the first very good conveyance which may offer, I will send out the dies you order; at present I have none such, and only time to write by the person who takes this with him, and who is to sail for Havre for New York. I would rather give them in charge to some one who is himself going over, for great neglects happen in the ports, as I know by frequent experience.

Mr. Pinckney has doubtless informed you, long since, that Mr. Droz declined going out to America. There was some misunderstanding on the subject between him and Mr. Short, which he entered into a long history of, desired me to communicate the truth of the matter, and respect it. I found it impossible to get him into the service of the United States, which was the main object, I thought it unnecessary to trouble you with a long chapter of little sorenesses, which were, I could clearly see, the effect of prudential caution in Mr. Short. I have endeavored to make a good effect in the artist, and I am sorry, however, for the thing, because the conversation I had with him, and the inquiries I made, and the letter he wrote to me, would have been the most powerful aids in his favor in the port.

The assurances you give in your letter of the 20th of April, that our fellow-citizens are disposed to preserve an exact neutrality, gives me sincere pleasure, as well as from what I took the liberty to say on that subject in former letters for the present, I can see nothing that indicates neutrality by the treaties concluded by the French above a year ago, for, because, if there is any part marked out for sale in Europe, I think, in the present critical moment, purchasers would be found. By the by, I think a plan might be formed for purchasing land and building houses there, by way of actions; but I shall not dwell thereon at present, and will write more fully about it when I receive the plans and letters you promised to send me.

With perfect esteem and respect, I am, sir, your obedient servant,

THOMAS JEFFERSON, Esq. Secretary of State.

SAINPORT, June 19, 1793.

SIR: I have just received the copy of a declaration made by the captain and crew of the Little Cherub, an American vessel, which states that this vessel, having taken on board thirty French passengers, driven off by the Spanish government, conducted them to Havre, whence he took his departure on the 3d current, furnished with a passport (from M. de Stael), and on the 11th the vessel was captured by the Vrai Patriote and l'Argus, privateer, belonging to the republic, and carried into the latter part; that the captain and crew have been very badly treated, although they had made no resistance; and that the French government, in the name of the people of France, has annexed, one of the articles of the convention of the 5th of the past month, whatever, blew his brains out. Such serious facts, sir, oblige me to lay a complaint of them before you, and very earnestly to request that strict inquiry may be made concerning them, and that, in case they shall be found to have been represented to me, the murderer may be punished with death.

I was much astonished, sir, to learn some other, that the Convention had, on the 28th of last month their decree of the 23d, and that consequently the depositions of the decree of the 9th, acknowledged by that of the 33d to be contrary to the treaty, were again revived. It was impossible for me to believe it, had I
foreign relations,

not received a copy of the decree. I observe therein that the Committee of Public Safety, in concert with that of the marine, were instructed to give in a definitive report on this business within three days. It becomes of course of consequence to fix the matter of the fate of the American vessel, for in the present situation of this country, we must expect to see that species of dispute multiplied, in which culpity on the one hand, and fear on the other, will give place to callous insinuations, which lead uninfomed persons to think that the interest of individuals might influence the national decisions.

I have the honor to be, &c.

M. Le Brun, Minister for Foreign Affairs.

Sir:

I hasten to reply to the letter which you did me the honor to write to me, the 19th of this month.

Infinitely wound at the afflicting details that letter contained, I conceived it my duty immediately to instruct the Minister of Foreign Affairs here to report of which you are so kind as to require. So you will there find the sincere expression of sentiments which I prove, and of the opinion of the Provisional Executive Council.

Be persuaded, sir, that if the facts you have reported are true, the outrage committed on board the vessel called the Little Cherub shall not pass by with impunity, and that the government of the United States will take all the measures which shall depend upon it, in order to prevent the neutrality of the flag of our good friends and allies from being violated.

I have the honor to be, sir, &c.

Le Brun.

United States.

Report.

The Minister Plenipotentiary of the United States has just made very serious complaints against a violation of the law of nations, and of the treaties concluded with the free Americans.

The Little Cherub, an American vessel, having on board thirty French passengers, whom the Spanish Government had driven off, conducted them to Havre, whence she sailed the 3d current, furnished with a passport from the Spanish authorities, containing the false statement of the taking of these persons by privateer le Vrai Patriote and le largue, belonging to the republic, and carried into the latter port. The captain and crew have been very treatly, although they made no resistance. The French being in full possession of the American vessel, one of them seized the mate, and, without provocation of any kind, blew him, burnt out. The minister plenipotentiary of the United States demands that inquiry should be made as to the facts, and that the murderer be punished with death, and the vessel released conformably to the treaty.

If the facts above related are true, it is not only for the interest of the republic, but for its honor and justice, to avenge this atrocious violation of the laws, and to give to the Captain of the Little Cherub, and to his crew, all satisfaction due to him. This crime is so much the more punishable, as he had come to Havre to land there a great number of our brethren, driven away from Spain, and the captors have infringed, with regard to him, not only the laws of war, but those of hospitality and gratitude.

The minister of the United States complains, also, that the decree of the 23d of May, which declares that the vessels of the United States shall not be comprehended in the dispositions of that of the 9th of May, has been reported by the decree of the 28th of May, and that the definitive report, which, according to the terms of the decree, should have been made in the business three days after by the Committee of Public Safety and Marine, in concert, has not yet been published. It remains to be seen, and, among others, one richly laden, remains sequestered, to the great prejudice of the proprietors and merchants.

The Minister for Foreign Affairs conceives that it is his duty strongly to insist on a prompt decision concerning the complaints of the American minister. He observes that, independent of the fraternal connexions which unite the two nations, the republic has the most pressing interest to treat the free Americans with attention, and to take their vessels under its particular protection. The United States become more and more the granary of France and her colonies; they manifest the most favorable dispositions of succouring us; and the courage which they have discovered in acknowledging formally the French republic, in spite of the menaces and intrigues of England, prove that their friendship for us is above all political or interested considerations, which might have led them to follow the impulsion which England, Spain, and Holland, have in vain attempted to give them.

Relate these motives to the minister of the United States, and I maintain that the government of the United States should be severely punished; that the captain receive full indemnity, as well for the injury committed on board as for the delay he has met with; and that, according to the 18th article of the treaty of commerce between France and the United States, the American vessels enjoy folly, and without any exception, the advantage resulting from their neutrality, as long as that naturely assures the supplies of the republican and of her colonies.

No. 55.

Sloops, August 13, 1793.

Dear Sir:

Enclosed herein you will find copies of my letters of the 27th and 28th of June, 4th, 21st, and 34th of July, and 6th of August, to the Minister of Foreign Affairs, with copies of his letters to me of the 3d, 19th, 29th, and 30th of July. From these, you will perceive that my application for an order to the Minister of France in America, to pay, out of the funds to be furnished by the United States, the drafts made on his predecessor from St. Domingo, produced the desired effect. Some subsequent circumstances have induced me to believe that, under that cover, an attempt will be made to pay the bills drawn on Europe in favor of French citizens. I have certified signature heretofore as calculated to this purpose, but as I presume that measures will be taken of a cautionary nature, I shall not pretend to suggest any.

You will perceive, sir, in this correspondence, one of the many violations of our flag in the case of the Little Cherub, which, being attended with circumstances of peculiar atrocity, called for more pointed animadversion. The conduct of the Government on this occasion was perfectly proper. The person who committed the murder has, however, been acquitted on the testimony of his companions, in direct contradiction to that of the American master and crew. The case of the ship is still depending, and I know not what will be the event. It now appears that part of the crew are bounty men, hired for the present of Flemish merchants, and to be delivered at Ostend; but more of this presently. I must, however, take the liberty of recommending to the notice of Government Francis Coffyn, of Dunkirk, an old deputy of Mr. Blair, while he was Consul General. On many occasions, and especially in the affair of the Little Cherub, he has behaved with much sense, spirit, and industry. The conduct of such business is of immense importance now, for the present situation of this country, the laws are but little respected; and it would seem as if pompous declarations of the rights of men were reiterated only to render the daily violation of them more shocking.

In my application on that subject, I have been very careful, fearing that I might be deceived by British seamen, and consequently that our countrymen might afterwards be without redress; as, in such case, the government here would throw all the complaints aside as being unfounded. Among others who have asked the protection of the United States are some Nantucket whalemen; and, at first, their requests were so artfully made that I was near beliefing them to the dupe. I have, however, declined all interference in their favor, telling them that when they embarked under a foreign and rival flag, they forfeited, by their own act, the protection afforded by that of the United States, and must consult themselves in their present situation by the privileges which they formerly enjoyed, and which tempted them
Mr. Morris to M. Deforges.

SAINPORT, June 27, 1793.

Sir: The United States of America, faithful to their attachment for the French nation, in consequence of the demand to that effect made by M. Ternaut, went to the succor of St. Domingo upon the basis of the decree passed by the National Assembly: and the payment of four millions, which make the object of that decree, has been completed. In consequence of the same attachment, and another demand of M. Ternaut, arrangements have been taken to place to the disposition of that minister a sum of three millions, which was to be employed in purchasing provisions for his country.

The Government of the United States, in communicating to me the measures which I have the honor of communicating to you, inform me that the administration of the colony of St. Domingo had purchased several cargoes sent to that island by American merchants; that they had seized others; and that, for the payment of the whole, they had furnished bills on the representative of the French nation at Philadelphia, which, from the want of funds, he has not been able to honor. No one doubts that France will finally acquire herself of a debt so sacred, but in such a case as the present, delays are very prejudicial to those who experience them. In consequence, sir, I have received orders to solicit of the French republic an instruction to their minister at Philadelphia with a view to paying off those bills with the funds which are to be paid to him by the Treasury of the United States.

M. DEFORGES, &c.

Mr. Morris to M. Deforges.

SAINPORT, June 28, 1793.

Sir: I have this moment received your letter of yesterday, and it is very pleasing to me to be able to felicitate you on your nomination, at the same time that I thank you for the sentiments of friendship which you do me the honor to testify for the United States, as well on your own, as on the part of the French nation. The good dispositions of the United States are unequivocal, and my personal attachment to France is of long standing and very sincere. Therefore I experience a double pleasure on every occasion that presents, of giving a new force to the connections which unite the two nations. I most ardently wish that nothing may injure the harmony existing between them.

Permit me, sir, to renew to you on this occasion my entreaties with respect to the decree of the convention of the 28th May. I learn with satisfaction of the daily arrival of wheat and flour sent to you from America, but I am not without uneasiness for those which ought to follow. Indeed, how can we hinder the enemies of France from adopting, with regard to us, the example that she has given them, and especially the English, who cannot be held by the faith of treaties (since we have none with them) from following any other impulse than that of their own interest? And how can we complain after the manner of France in which we have given to her the fruits of our labors in May? I do not speak to you, sir, of the impression which that decree will naturally produce in America. I had rather that such considerations should present themselves to your own reflections, than be the effect of mine. But it is of consequence that the Convention decide definitely; because delay, by allowing the decree to exist, exposes us, without profit, to all the inconveniences which must result from it. I ought, also, to observe to you, sir, that it will be very difficult, and, perhaps, impossible, to prevent your privateers from committing illegal and outrageous acts, as long as they are permitted to bring into your ports all the American vessels laden with articles of food for countries at war, without the limitation of the funds, and they frequently conduct to a French port that which was destined to another; hence result great inconveniences to both parties.

Captain Pease, of the brigantine Patty, belonging to merchants of New York, whence he sailed the 7th April, has just informed me, that, after having escaped the inquisition of several English privateers, he was stopped by a French fleet on the 21st May, and afterwards forced to enter the port of Cherbourg, although his cargo of flour was addressed to the Mayor of St. Valery. The municipality of Cherbourg coerced him to discharge this cargo there, and his vessel having been run aground, is so materially damaged as not to be able to sail to Gottenburg, where he was to go from St. Valery, in order, sir, that you have the goodness to cause the necessary inquiries to be made in this matter, and that the amount of damages which are due may be granted to him. He is now soliciting it of the municipality of Cherbourg.

I have the honor to be, &c.

GOUY, MORRIS.

M. DEFORGES.

SAINPORT, July 4, 1793.

Sir: I have this moment received the letter which you have done me the honor to write to me on the 3d, with the copies of the decrees it enclosed. The repARATION ordered by the representatives of the French nation is worthy of its justice, and consequently the United States will be perfectly satisfied with it. They will also see, sir, in that which exempts their vessels from the dispositions of the decree of the 9th of May, a new proof of French loyalty in fulfilling their engagements. I shall give them an account, at the same time, of the instructions which you have had the goodness to have forwarded to Citizen Genet. I was so confident of the measure's taking place, that I have already given assurances of it. I request you, sir, to accept the testimony of my acknowledgments for the promptitude with which you have expedited those affairs.

I have just learnt, sir, that a Thomas Toby, a citizen of the United States, and now in the hospital of Boulogne, seaman, is detained there as an Englishman, having been found on board of an English vessel which was cast away on the coast of France. This citizen entered as a passenger before the war, in order to go home by way of England, because the American vessel to which he belonged had been sold in Spain. I shall be much obliged to you, sir, if you will be pleased to give orders for his liberation.
I take the liberty, sir, of enclosing a letter from Messrs. Le Conteuf, of Rouen, and I request you to be so good as to have the order which they demand expeditiously.

To M. Deforgues, Minister of Foreign Affairs.

Mr. Morris to M. Deforgues.

SAINPORT, July 21, 1793.

Sir:

I receive with gratitude the new testimony of the amicable dispositions of the French republic towards the citizens of the United States of America, which you did me the honor to transmit to me on the 19th, and of which I shall render an account to my constituents. Permit me to request you, sir, on this occasion, to recollect the affair of the brigantine Patty, about which I have the honor to inform you. In the last period, one of the owners has come to Paris to solicit justice of the Minister of the Interior. He informed me that the municipality of Clerbourg had replied to his demand, that the conduct they had observed with regard to the brigantine had been dictated to them by that minister, and that therefore he must address himself to him for the damages and expenses which resulted therefrom.

I have the honor to be, &c.

Mons. Deforgues, Minister for Foreign Affairs.

Mr. Morris to M. Deforgues.

SAINPORT, July 24, 1793.

Sir:

I have just received a letter from Havre, dated the 20th, of which the following is an extract: "The decree of the 1st of this month concerning the Anglo-American vessels has been expounded to our tribunals and regularly registered. In consequence we presented ourselves yesterday to the tribunal of the district, in the well founded hope of therein obtaining the justice we have so long claimed, that is to say, the restitution of the ship Laurens and her cargo; but to our very great astonishment, and contrary to all the rules of justice, the tribunal has not yet been pleased to decide, and has postponed the judgment to the 31st of this month; and for this reason—because the attorney for the privateer stated that he expected a new decree affecting that of the 1st of July. He read in court a letter from one of the interested in the privateer, now at Paris, mentioning that the Marine Committee was about presenting a new report: that Laveau, deputy from Houfleur, "where the owners of the privateer which captured the ship Laurens reside, was the reporter; that La Croix, a deputy from l'Eure, had found the claim of the privateer to be just, and had promised to support it that the Marine Committee were favorably disposed. The situation of Captain White is truly distressing. He has been the honor of four months, and all his crew have left him; this vessel, in a deplorable condition, having constantly four feet water in the hold. He cannot have her repaired, as the first judgment authorizing it is attached, and the privateer leaves this vessel in confusion. For these four months the captain has sought justice, and he has not yet been able to obtain it."

I think it my duty, sir, to inform you of these facts. I have no idea that the interests of the republic should be sacrificed to those of individuals; but it appears to me that the declaration of the attorney, and especially the letter which he read, are derogatory of the dignity of the national representation; and I fear, besides, lest the postponement of the decision, in consequence thereof, may injure the reputation of justice, which France has always imposed on herself the duty of preserving unimpaired. I am persuaded, above all, sir, that the interested in the privateer, in supporting the indirect means they have used, by the names of two deputies, enjoying the just title of so much renown, have had no authority from them, as they certainly could not have that of the Convention, to promise a decree which they have already twice declared to be contrary to the treaty, and consequently a violation of public faith.

I have the honor to be, &c.

GOUV. MORRIS.

M. Deforgues to Mr. Morris.

PARIS, July 3, 1793, 2d year of the republic.

Sir:

I have received the letter which you did me the honor of writing to me, the 27th of last month, informing me that several drafts, furnished by the administrators of St. Domingo, on the minister plenipotentiary of the republic with the United States, to pay for the supplies which they purchased of some American merchants, have not been paid off, and that you have received orders from your Government to solicit the payment of them.

It is a pity, sir, that, before the furnishing of those drafts, the administrators of St. Domingo had not concerted with the representative of the nation, at Philadelphia, in order to secure the means of having them honored there, and that the reimbursement you require should have met with so long a delay. I am about giving to citizen Genet the necessary instructions to enable him to answer this extraordinary expense. The government of the republic have already instructed that minister to testify to the President of the United States their acknowledgments for the efforts which have been made by your countrymen, to succor the colony of St. Domingo. They have confirmed the opinion, which we have always entertained, of their attachment to the French republic.

The National Convention, justly filled with indignation at the violations committed on board the American vessel, called the Cherub, has passed the decree of which I enclose a copy. I hope that the reparation ordered, by the representatives of the people, will appear to you satisfactory.

I also enclose a copy of a decree exempting the vessels of the United States from the dispositions of the decree of the 9th of May. I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their firm determination to maintain, to the utmost of their power, the treaties subsisting between the two republics.

The Minister for Foreign Affairs,

DEFORGUES.

Mons. Morris, &c.
Copie du décret de la Convention nationale, du premier Juillet, 1793, l'an 2 de la république française, relatif au navire connu sur le navire américain, the Little Cherub.

La Convention nationale, après avoir entendu le rapport du Comité de Salut Public, décréta:

Art. 1. Le Ministre de la Justice est chargé de faire sur le champ les informations nécessaires sur le navire connu le 6 juin, à Dunkerque, sur la personne du Lieutenant en second du navire américain, the Little Cherub, et sur la conduite tenue par le capitaine et par l'équipage du corsaire le Vrai Patriote, et le lougre l'Argus, appartenant à la république, contre le capitaine et l'équipage du navire, the Little Cherub: et de faire parvenir inexactement les informations à la Convention nationale.

Art. 2. Le navire américain, the Little Cherub, sera relâché: et le Ministre de la Marine est chargé de faire statuer sur l'indemnité qui peut lui être due à cause du retard apporté à son départ, soit à cause du dégât fait sur son bord.

Art. 3. Le Ministre de la Marine est tenu de prendre des renseignemens sur la famille du Lieutenant en second du navire américain, the Little Cherub, pour être statué, ultérieurement, sur l'indemnité que la république doit lui accorder.

Art. 4. Le Ministre des Affaires Etrangères est chargé de faire notier sur le champ ce décret au Ministre Plénipotentiaire des États-Unis, et au Ministre de la république française, envoyé en Amérique.

Certifié conforme à l'original.

DEFORGES.

Copie du décret de la Convention nationale de l'année 1793, l'an 2 de la république française, qui excepte des dispositions du décret du 9 Mai, 1793, les battimens des États-Unis d'Amérique.

La Convention nationale, après avoir entendu le rapport du Comité de Salut Public, voulant maintenir l'union établie entre la république française et les États-Unis de l'Amérique, décréta que les batimens des États-Unis ne sont pas compris dans les dispositions du décret du 9 Mai, conformément à l'article 16 du traité passé le 6 Février, 1778.

Certifié conforme à l'original.

DEFORGES.

Mr. Morris, &c.

Extract from the Registers of the deliberations of the Provisory Executive Council of the 14th of July, 1793, 2d year of the Republic.

The Minister of Marine having informed that the ship Juno, of Philadelphia, who had been perceived the 17th May last, and chased by the Capriccioso frigate, commanded by citizen Savari, having refused to make herself known, had been brought into the road of the Island of Aix, for the purpose of proving her papers; that from the examination of the papers of Captain John Brice, of the ship Juno, of Philadelphia; and, at the same time, a new proof of the amicable dispositions of the French republic towards the citizens of the United States of America.

The Minister for Foreign Affairs.

DEFORGES.
FOREIGN RELATIONS.

The Minister for Foreign Affairs to Mr. Morris, Minister Plenipotentiary of the United States of America.

PARIS, July 29, 1793,
2d year of the French republic, one and indivisible.

Sir: I have made the necessary inquiries, in consequence of the complaints which you made to me the 28th of June last, to find out the authors of the damage done to the brigantine Patty, Captain Peace. I have not received any answer to the letter which I wrote on the 4th of this month, to Cherbourg. But I observe from what you write to me, that this business is pursued directly with the Minister of the Interior, by one of the owners of that brigantine. I do not doubt that my colleague will render justice to the owner, if, as I presume is the case, his claim be well founded.

The Minister for Foreign Affairs,

DEFOUGUES.

The Minister for Foreign Affairs to Mr. Morris, Minister Plenipotentiary of the United States of America.

PARIS, July 30, 1793, 2d year of the republic, one and indivisible.

Sir: I have informed my colleague, the Minister of Marine, of the details of your letter of the 24th of this month, concerning the American ship Laurens, Captain White. The Minister and I are immediately to concert together as to the means of terminating, as speedily as possible, this business, in which my predecessor had already invested himself. You ought not to doubt, sir, of my readiness to inform you of the definitive resolution which shall be taken on your demand for Captain White, and of the justice which will be rendered to him, if he has conformed himself to the laws on the transportation of warlike stores and other objects prohibited in time of war.

DEFOUGUES.

No. 36.

SAINTEPORT, September 22, 1793.

DEAR SIR: My last, (No. 35,) was of the 13th of this month. This will accompany triplicate of what I had the honor to write on the 7th of August; also some copies of letters to the ministers. By the by, I shall cease to send you copies of my various applications in particular cases: for they are so numerous, that they will cost you more in postage than the benefit they are worth. I suppose Mr. Pinckney has hitherto been full of statesmanlike business: for I learn now and then that the British privateers make as free with our vessels as the French have done.

I understand that it is still in contemplation to repeal the decree I complained of, and that, in the mean time, it has not been transmitted to the tribunals. We shall see. In effect, this decree can do very little harm, because the fleets of this country are confined by those of the enemy, and the privateers, by a decree of the Convention. The exchange during the last month experienced great shocks, owing to the violent measures pursued by the Government to support it. On the whole they have kept it at about two and a half to three for one, but mercantiles have risen rapidly in price, and must continue to rise, among other reasons which will easily suggest themselves to your mind, because the compression on the paper mass in one place must force it out in another. Even lands feel the effect, although the market has been, for two years at least, greatly overstocked with that article. The paralyzing of a part of the assignats had as I told you, an effect which could but be momentary. A further decree was, therefore, passed against them, whose effect also diminished in the first moments. To prevent agiotage, the effets publics were ordered to be recorded, and the India Company's property was seized: and as this was not sufficient, the caisse d'échange was abolished. Still the immense weight raised by political gas, could not but bring down with it the supporting balloons, wherever at last, the backers and brokers were laid hold of. I am told they amassed the menaces against those who may remit to foreign countries, agents of the Government offered some bills cheap, and that the purchasers were imprisoned as gens suspects.

However, experience shows that evils inherit in the nature of things cannot be prevented otherwise than by destroying the things themselves. By the law it is death to sell or buy specie, and yet specie is publically bought and sold every day.

You have, I hope, received the new constitution, which you will see is suspended until the revolution shall be finished. You will have seen, also, that the party of the Girondine or Brissotins is quite down; as yet none of them have been executed. Probably, the first great misfortune will call them from their dungeons as expiatory victims. I am not possessed of the proofs which exist against them; and it is, you know, a maxim of our law, that every man is presumed to be innocent until his guilt is proved. If one may judge from the indefinite precautions taken, one would conclude that the very great majority in this country is become royalist. I think I have already expressed my conviction, that there cannot long exist three parties. It is said that the Brissotins, as soon as their adversaries gained the upper hand, enlisted themselves in (secret) under the royal banner, but I think strong proof should be required before the fact is admitted.

I do not mention to you the military events, because you will learn them fully from the different gazettes, and also, because I do not think military events decide so much as is generally believed. If the success be nearly balanced, France is so far victorious. But her resources are wearing away very fast, and the period seems to approach when the state of finances will be of little moment, because the useful things will no longer exist, and of course they can neither be bought with money, nor seized by force, nor obtained through solicitation. Will the allied armies push on to Paris? What would be the effect of their appearance? Two important questions: to answer the first would be presumption, and to answer the second would look like madness.

I am, respectfully, sir, your obedient servant,

THOMAS JEFFERSON, Eng., Secretary of State.

No. 37.

PARIS, October 16, 1793.

DEAR SIR: Yourns of the 16th, 22d, and 26th August, were delivered to me at my country house, on Saturday morning, the 5th instant. That of the 13th June, mentioned in yours of the 17th, I have never received. I arrived in this city the afternoon of the 5th. I had an interview with the Minister of Foreign Affairs in the morning of the 6th. He promised me to recall Genet immediately. I came home and transmitted that which you had written for the purpose, with the note, of which a copy is enclosed. I am busied about obtaining a proper successor, and taking measures to prevent, for the future, what you have lately experienced. I expect to send every thing in good order by the advice of your good opinion.

I am, with respect, and sincere esteem, my dear sir, your obedient servant,

THOMAS JEFFERSON, Esquire, Secretary of State.
Mr. Morris to Mr. DeForges.

Mr. Morris to M. DeForges.

SIR: I have this moment received a despatch, which it appears to me important to send you, without loss of time. I therefore transmit it in original, requesting you to have it returned to me after you shall have communicated its contents to the public, perusing the copy I have sent you. Messengers have been dispatched by the delegates of the United States, and of their determination religiously to fulfil their engagements towards the French nation. You will there, unfortunately, observe that the agent, whom you had charged with the maintaining of the good harmony between our two republics, has, I fear, been very discreet, and that all the most essential interests are (in his hands) seems compromised. I regret much that the letter of the 13th of June, of which our Secretary of State speaks to me, has not yet come to hand. As I should sooner have been enabled to inform you of an evil so much the more dangerous, as distance prevents the application of a prompt remedy. I have the honor to be, &c.

Monsieur DeForges, &c.

No. 38.

GOUVERNEUR MORRIS.

No. 38.

Mr. Morris to Mr. DeForges.

SIR: I have written a short letter, (No. 37) this day, in answer to your despatches. Herewith I do myself the honor to transmit the copy of what I had the honor to write to your 26th of last month. The exchange has been sustained as there mentioned. On the 8th of last month I desired Mr. Jones (with whom Mr. Fenwick had entrusted his consular affairs, during a voyage he made to England) to give you his opinion respecting the situation and temper of Bordeaux, with the reasons therefor. The gazettes will have shown you that apprehensions were entertained respecting the dispositions of people in that quarter. I believe that there is still cause to apprehend, more especially, as the insurrection in the Vendée is more menacing than ever.

The conduct of the Convention, respecting our treaty, will have formed an useful reinforcement to those who would preserve our constitution. My efforts to support the treaty have been constant and persevering, although, in my private judgment, the breach of it on the part of our allies, by releasing us from the obligations it has imposed, could not but be useful under the circumstances. I am very anxious that consuls and vice consuls should be appointed in all the ports. My countrymen are incessantly applying to me, from every quarter, about property taken from them. I am desired from abroad to claim such property. The courts chican very much here, under the pretence that claimants do not produce proper authority to enable me to act. I have the honor to mention, that I should be thereupon represented as a party interested, and, of course, my representations against the inquisitions, which are but too frequent, would be disregarded. It happens, also, that I am called upon to name proper agents in the ports where there is no consul. In such cases I must take the recommendation of a banker, and incur the risk of placing a person interested in a capture as protector of the property taken.

The state of public affairs here involves me in another very disagreeable predicament. My fellow-citizens are aggrieved, and apply for redress, to which they are justly entitled, and which they are led to expect with the greatest certainty, as every public act breathes warm attachment to the United States. On the other hand, it is frequently impossible to obtain redress; because the Government, omnipotent in some cases, is, in others, not merely feeble, but enfeebled. I am forced to say that my demands must embarrass and frequently irritate them. The ministers, ought to be accountable agents of public authority, are placed in such direct subordination to the Crown, in the Salut Public, that even the common routine must await their flat, and they are unaccountable, and swayed by the terror of an insurrection, which may be excited at any moment, should they displease the leaders of this city. Consequently, while they see and lament the consequences of many acts, they are obliged to commit them.

I am now in the disagreeable position between my national and particular interests. In preferring the former, the latter become clamorous, and I am sure that I shall be represented as an idle and unprofitable servant. To this inevitable evil I must submit. But another has arisen out of it, which gives me concern. In assigning to complainers the reasons why their expectations must be disappointed, I have been obliged to state things, which, being repeated and misrepresented, have produced a disagreeable effect in the minds of those who are to decide on the applications I make.

This will appear more clearly from an example. On the 30th of August a deputation of four ship captains, chosen by their brethren of Bordage, appeared before me in being prevented from sailing with their cargoes, &c. Their suffering was occasioned by one of those decrees which, being commanded by the popular cry, in a time of violence, the Legislature, though it may perceive the impolicy, dares not repeal. The deputation, as it natural, had flattered themselves with immediate and ample redress. It was very easy for me to moderate their expectations, and to explain the difficulties. Interest is often blind and sedition just.

My moderation was ill suited to their wishes, and my letter to the minister, of which a copy is enclosed, seemed to them rather an abandonment of their cause than the prosecution of the only redress which appeared to me attainable. The partial way in which the minister received the letter, swayed them to take the misfortune without going out of my way to seek it. This was the more natural, as the visitation of various despatches, I need not comment upon it, because you well naturally place yourself in my situation, and feel its unpleasantness.

I will not now give you any thing in the style of news, deferring that until the moment when Captain Culver shall be about to depart. In the meantime I pray you to accept the assurances of that esteem and respect with which I have the honor to be, dear sir, your obedient servant.

GOUVERNEUR MORRIS.

Frances, 8th October, 1793.

Mr. Morrise to M. DeForges.

Sainport, 20th August, 1793.

SIR: Four persons who have been deputed by the captains of the American vessels, of which I have the honor to send you herein the list, have come here from Bordeaux. These captains represent me to the people of the respective vessels have sent them here in consequence of the decrees rendered by the National Convention in favor of American commerce, and in the confidence that they would be permitted freely to follow their business; that, represented the privileges of the other vessels, they have brought to this country considerable cargoes of flour, and other articles of provision; that, considering the exchanges with foreigners, the said cargoes have been sold
at an enormous loss; that they have no other means of repairing that loss, but by taking, on their return, productions and French manufactures; that several of them have freighted their vessels to French merchants, to carry merchandise to the French colonies that the exportation of all merchandises being prohibited, they are obliged to unload those which they have on board, and to go out in ballast; consequently to lose the considerable freight which have been stipulated.

I do not pretend, sir, to meddle in the interior business of the French republic, and I am persuaded that the Convention or seal has been adopted in your ports; and their provisions, the restrictions of which the American captains complain. It does not the less result that that prohibition will injure, in a serious degree, the parties interested, and annihilate the commerce between France and the United States, which began to assume an appearance of activity, and to promise us pleasing returns. It is, therefore, from a sincere desire of seeing more closely bound the friendly connections between the two nations, that I request you, sir, to have the goodness to examine whether there be any means, either by an exception to the law, or by particular permissions, to allow to depart the vessels of the United States, with their cargoes, for the ports of the United States, or the colonies of France.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

The captains of vessels of the United States to the Convention of France.

Paris, 22d August, 1793, 2d year of the republic.

Citizen Representatives:

Always faithful to their treaties, the Americans, informed of your efforts to obtain liberty, have braved all danger to bring into your ports supplies of flour, rice, sugar, coffee, and tobacco.

After having fulfilled this first fraternal duty, we had imagined that there remained nothing more for us to do; circumstances had suspended your navigation; your brigs, of the French colony, who are also ours, were in want of necessaries, and saw their relations with you cut off. We went to their relief, we have supported between them and you those same relations, of which their misfortunes and your principles rendered the preservation more useful and more desirable.

The latter duty we would still wish to fulfill, and yet a decree, which, if applicable to us, would violate our treaties, and interrupt our principles.

The lading and exportation of every species of merchandise is prohibited; those even of our vessels already laden whose cargoes are comprised in the invoice, are wasting in navigability, their property, that of their children, the product of several years navigation and peril.

Citizen representatives, you will not declare enemies to you, a free people who love you; you will not, especially, give to Europe the revolting example of the violation of treaties, and the oblivion of oaths.

We who, for years past, have been your friends, in the execution of the treaties of alliance and commerce which unite us to you. We confine ourselves to ask, for the present, to carry provisions to your colonies; and we observe, that if our demand should be rejected, we shall be forced to cease bringing articles of subsistence to you, as we could exchange them only for the produce of your soil, and that exchange would be impossible to make.

HENRY JOHNSON, &c.

Deputies on the part of the commerce of the United States of America at Bordeaux.

The President Plenipotentiary of the United States of America to the Republic of France to M. DeForgues, Minister of Foreign Affairs.

SALTFORD, 1st October, 1793.

Sir:

I have the honor to send you, herewith, the copies of two judgments, rendered with regard to the American vessel the George. By the first, the tribunal, in conforming itself to the treaty of 1778, declared her unlawful prize.

But, by the second, a part of the cargo is condemned, as being property; and the tribunal has found its decision upon the decree of the 27th July. Captain Richard Stevens, of the American vessel the Hope, also complains very bitterly of a sentence rendered lately against a part of the cargo of this vessel, which is incontestably American property.

This fact alone informs me, that the tribunal of St. Brien has founded its decision on the circumstance that, in the invoice, the owners of the vessel had added their commission to the price of the articles therein comprised. A thing in use among merchants, who, by this means, insuring the whole, they shelter from maritime danger the price of their labor, as they do that of their merchandises. I do not cite, sir, this sentence in the form of a complaint, first, because, I have not received an authentic copy of it, and above all, because I am persuaded that the superior tribunal, to whom an appeal must be made, will not fail to render justice.

I desire only to let you see, sir, how much discontent the execution of the decree of the 27th July must excite. Persuaded that the Convention wishes to maintain the closest connections between our two republics, I have given to our ministry the most positive assurances of it; but they will be contradicted by the injured persons, who, doubtless, will accuse the minister with supineness who does not adopt the feelings of his fellow citizens, and my efforts will fail of their effect, as soon as it can be imagined that I do not render a faithful account of the dispositions of the French republic, from the want of intelligence or exactness. I request you, sir, to pardon an observation which regards the particular interests of France. The circumstances of the moment prevent the visiting out of privateers, consequently it would cost it nothing to cause the treaty to be observed with the greatest exactitude. Then the contrast which the Americans would make, between the conduct of France and that of its enemies, could not but be favorable; but, at present, on the contrary, every time we complain of the conduct of the English, they shut our mouths by this decree of 27th July.

Nothing is more embarrassing for our minister at London, and nothing can be more injurious to the French Republic, in the opinion of the neutral Powers. I hope, sir, that you will observe, in the following facts and observations I have just made to you, the amicable and fraternal dispositions which have dictated them. I am sure at least of conforming to the views of the United States, in following my own inclination to remove every thing that might change the good harmony which exists between two nations, allied as well by the force of sentiment as by that of treaties.

I have the honor to be, &c.

GOUV. MORRIS.

No. 39.

Paris, 19th October, 1793.

Dear Sir:

My last will accompany this, and I enclose herein the copies of letters from the Minister of Foreign Affairs of the 16th, 17th, and 18th instant, and copies of mine to him of the 11th, 12th, and 13th also, just written.

By his letter of the 10th, you will see the determination to act decisively. In a subsequent conversation he assured me that Genet should be punished. I replied that the United States had only ordered me to ask his recall,

*This clause has been put in (evidently) with a view to excuse that breach of the treaty which I complained of, and shows this piece to have been concerted with the members of the committee.

G. M.
and I could go no further. The idea is to send over a commission of three or four persons, and to authorize that body to send him over a privateer. I kept the advice boat here a week, in order to embark the commissioners on board of her. But although the instructions are all ready, there remains some little embarrassment about the appointment of one of the persons. This prevents them from being ready; and, as it appears to me very important that you should have early advice, I cannot, by any longer delay, risk the near approach of winter on the American coast.

It is probable that the successor of M. Genet may ask the interposition of our Government in the discussions likely to arise. I have given assurances to the extent of what our laws and constitution may authorize. You will be able to measure better than I can that extent, and, at any rate, this hint will be kept secret, for that is, as you will readily see, of the utmost importance.

In M. Deforges' letter of the 14th, and the decree which accompanied it, you will see the reasons assigned for violating the treaty. You will see also that it was not from the difficulty of refusing them that I declined entering into the controversy. In effect he had acknowledged and lamented the impropriety of the decree; but, unable to prevail over a greater influence for the repeal of it, he is driven to the necessity of excusing a step which it is not possible to justify. There is no use in arguing with those who are already convinced; and where no good is to be expected, some evil may follow. I have, therefore, only stated the question on its true ground, and I leave to you in America to insist on a rigid performance of the treaty, or slide back to the equal state of unfettered neutrality. Your orders will, of course, be given to me according to the determination which the President shall take, and until then I hold the matter open.

We have constantly the news of victory, but the public is incredulous. Lately, orders were expedited to attack on every quarter, and as this is a measure originating with the Government, those who pretend to judge of intelligence beforehand, say that it must be favorable. There is, at any rate, the resource of concealing it, and although it would, at first blush, appear next to impossible that, in a country flooded with gazettes, there should be no note of long and bloody battles, yet the severity of the decrees against those who discourage the exertions of the republic, and the greater severity with which all such decrees are executed, awe the boldest printers, and hush even the whis- pers of private information. You must not be surprised, therefore, to find in the Dutch and English gazettes the account of this most important occurrence which I send you.

It is unfortunate that you are thus disabled from comparing different accounts, and forced to judge from partial recital. The best remaining resource is, to contrast the ministerial and opposition prints. Among the persons best informed, it seems to be doubtful whether the allies will push on towards this city, or wear away the national resources by warping on the frontiers. The former would have consisted better with a determination to restore the monarchy, and the latter seems to indicate a projected dismemberment.

In the meantime, the expense of blood and treasure to this country is inconceivable. Already artizans and labor- ers of every kind are extremely rare. The price of mechanics is risen to twelve livres, that of common hands to five livres, and this, notwithstanding the regulation of subsistence, to something very near the ancient standard. Manufactures are becoming very dear, and the attempt to limit prices, though enforced by the dreadful guillotine, cannot but produce the reverse of what it is intended for.

The ensuing winter, unless some important changes take place, must be productive of scenes most melancholy and distressing. If the enemy possesses himself of strong holds along the northern frontier, he will undoubtedly ravage Picardy with his immense cavalry during the winter season, and thus destroy one great granary. The resources of Barther, Sicily, and Italy, are already cut off by the south. The Vendée is in train to become a desert. The army of the republic lays it waste with fire and sword. I will not endeavor to paint the various wretchedness which has been described to me as existing in that quarter. If the war continues another year, the wishes of those who meditate the ruin of France will be so far accomplished, that many years of peace will not be able to restore her wealth and population.

This will, I think, be a misfortune to the United States, and, in all possible events, the present turmoil of Europe will furnish terrible examples to the present age, and to a distant posterity.

I am, my dear sir, very truly, your obedient servant,  

THOMAS JEFFERSON, Esq. Secretary of State.

P. S. I have paid four hundred and forty livres for packing up the statue of General Washington. Is this to be charged to the United States, or will you receive it for me from the State of Virginia?

[Enclosures in Mr. Morris's No. 39.]

The Minister for Foreign Affairs to Mr. Morris, Minister, Plenipotentiary of the United States.

PARIS, October 10, 1793, 2d year of the French Republic.

Sir:

I have received the letter which you did me the honor to write to me on the 8th of this month, as also the papers it enclosed.

I shall have the council an account of the punishable (punissable) conduct of their agent in the United States, and I can assure you, beforehand, that they will regard the strange abuse of their confidence by this agent, as I do, with the liveliest indignation. The President of the United States has done justice to our sentiments in attributing the deviations of the citizen Genet to causes entirely foreign from his instructions, and we hope that the measures which are to be taken will more and more convince the head and the members of your Government that, so far from having authorized the proceedings and criminal manœuvres (les démarches et les manœuvres criminelles) of citizen Genet, our only aim has been to maintain, between the two nations, the most perfect harmony.

I shall profit, sir, of the departure of the Detroit, which brought you the despatches of Mr. Jefferson, and I request you to inform me of the day you have fixed for her departure.

I announce to you, sir, with much satisfaction, that I have obtained from the Committee of Public Safety an ar- rêt which suspends provisionally the sale of the cargo of the American ship Hope; this arret was sent last night by a courier extraordinary.

DEFOUGRES.

Mr. Morris to M. Deforges.

PARIS, October 11, 1793.

Sir:

I have this instant received the letter which you did me the honor to write to me yesterday. It is very essential to transmit to our administration, with all possible expedition, the assurance of the amicable intentions of the council of the French republic, in order that the Congress, who are to assemble on the first Monday in December, may be informed at the commencement of their session. I have, therefore, sir, fixed on the beginning of the ensuing week for the departure of the captain, who is now at Paris. But I shall still detain him here some days, that he may have the honor of receiving your orders. I shall have the pleasure of giving to your house, sir, at an hour most agreeable to you to-morrow or Monday, to concert with you as to the moment of his departure.

I have the honor to be, &c.,

GOUV. MORRIS.

Monsieur DEFOUGRES, &c.
The Minister Plenipotentiary of the United States of America to the Republic of France, to M. Deforges, Minis-

ter for Foreign Affairs.

PARIS, October 12, 1793.

Sir: I have the honor to send you, herein enclosed, the copy of a letter which has been addressed to me by citizen Posite, a lawyer, residing at Mollaux. It appears that, in the proceedings of which he has given an account, there are extraordinary irregularities, and I think it my duty to inform you of them, as on the justice of tribunals often de-

pends the salvation, and always the prosperity, of a State. I request you, at the same time, sir, to permit me to make two general observations on the whole of this business; one of which applies to the organization, and the other to the proceedings, of the commercial tribunals.

The referring of questions on sea prizes to these tribunals appears to me dangerous, since they involve the inter-

pretation of the treaties, and the application of the law of nations—consequently, of peace and of war. Now, we may be permitted to entertain some doubt as to the knowledge of the judges, and we ought, besides, to fear lest they may be interested, as owners of privateers, in the questions which are submitted to them. But, whatever may be the organization of the tribunals, it appears to me essential, sir, that, in their proceedings, they should not patronize the claims of those who have been deprived of their vessels. The tribunals should be open to all without waiting for the authority of the persons interested, who are often at the distance of one thousand leagues. The jurisdiction of the tribunals, within whose cognizance are the questions of prize, is in rem. They take possession of the thing, and, by that means, render themselves responsible for it. Now, as the tribunal, which is the depository of the thing, ought not to dispose of themselves of it, without a formal authoritative act of the true proprietor, it is their duty not only to admit, but also to seek, proofs which may establish to whom the property truly belongs. This is a double duty towards the neutral proprietor and towards their own nation: for every Government which permits its citi-

dzens to fit out privateers, arms, with the destructive sword of war, hands which are interested to extend its ravages, and renders itself responsible for the abuses which result from so dangerous a delegation of sovereignty. For the purpose of repressing them, the Admiralty tribunals have been established throughout the different nations of Europe. In these tribunals, the Government furnishes the means of information by the facility with which it admits therein every species of claim. It preserves, besides, the accounts of the things claimed, the property of which, in the last resort, on the court of neutral rights, is to be seen, and it gives the necessary time to enlighten its conscience on thorny questions, before the pronouncing of a sentence which might extend or prolong the horrors of war. These, sir, are the reflections which experience has dictated to me. They do not make on me a more lively im-

pression than the declarations made by my correspondents of which I have communicated to you but a very small part. I always send to the tribunals the injured persons, by giving them the most positive assurances that they will there obtain complete and prompt justice.

I have the honor to be, &c.

GOUV. MORRIS.

The Minister Plenipotentiary of the United States of America to the Republic of France to M. Deforges, Minis-

ter for Foreign Affairs.

PARIS, 13th October, 1793.

Sir: From every quarter, my countrymen, who have brought merchandises into France, are bringing complaints against the violation of the laws of neutrality. The indemnities of which they are deprived is the price of their bravery; and France, in justification of her conduct, which proved the cargo to be American property, the lawyer who informs you of that crime, proposes to collect the necessary proofs. It is of moment that your correspondent at Mollaux produce the proofs, that the guilty per-

sons may be punished according to the full rigour of the laws.

You observe, sir, that it is to be feared lest the judges should be interested, as owners, in the questions which should be submitted to them. To avoid this inconvenience, the laws give to the injured parties the resource of appeal; and in the last resort, that of a direct intervention of the administration, and of the legislative body. The extreme rigor with which the English and the other belligerent Powers treat all the neutral vessels destined for France, has put the republic to the painful necessity of arresting, by way of reprisal, in such vessels, the provi-

sions belonging to its enemies. This severe measure, clearly explained in the decree of the 9th of May, of which I enclose you a copy, is the result of the most imperious circumstances. It will continue only as long as our enemies employ against us means disapproved by the laws of humanity, and by those of war. In casting your eye on this law, you can hardly, sir, avoid the conviction that it was necessary and just; that the republic could no longer, without detriment to itself, preserve tolerable decency towards its implacable and ferocious enemies; and that the system of depriving them of foreign produce was also to dissipate its means of offence.

I am, on account of the declarations made by my correspondents of which I have communicated to you, fully convinced that, if there should be reasons of policy which prevent you from yielding to their claim, you will find some means of conciliating the interest of the French republic with that of my fellow-citizens who have delivered themselves up to its good faith.

I have the honor to be, &c.

GOUV. MORRIS.

M. Deforges to Mr. Morris.

PARIS, October 14, 1793, second year of the French republic.

Sir: I have received the letters you addressed to me on the 12th and 13th of this month.

By the first you complain of the fraud committed by the captors of the ship Pearsy, in carrying off the papers which proved the cargo to be American property. The lawyer who informs you of that crime, proposes to collect the necessary proofs. It is of moment that your correspondent at Mollaux produce the proofs, that the guilty per-

sons may be punished according to the full rigour of the laws.

You observe, sir, that it is to be feared lest the judges should be interested, as owners, in the questions which should be submitted to them. To avoid this inconvenience, the laws give to the injured parties the resource of appeal; and in the last resort, that of a direct intervention of the administration, and of the legislative body. The extreme rigor with which the English and the other belligerent Powers treat all the neutral vessels destined for France, has put the republic to the painful necessity of arresting, by way of reprisal, in such vessels, the provi-

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I have the honor to be, &c.

GOUV. MORRIS.
FRANCE.

ship Laurens; but I have met with insurmountable obstacles, in the established laws, and in the opinion of the commercial tribunal of Havre, who has not the authority to grant the commission, nor given anything to the owners of this vessel. It has been decided, among other things, to have translated three hundred and sixty sons on letters, in the most manly manner, the property of the cargo. The interested have, besides, avowed, themselves, that they had neglected an essential formality required by our laws.

We hope that the Government of the United States will attribute to their true cause the absences of which you complain, as well as other violations of which our cruisers may render themselves guilty, in the course of the present war. We have treated the subject, within just limits, the indignation of our marines, and, in general, all the French patriots, against a people who speak the same language, and having the same habits, as the free Americans. The difficulty of distinguishing our allies from our enemies has often been the cause of offenses committed on board your vessels. All that the administration could do is to order indemnification to those who have been injured, in doing so, towards the French, sensible of the manner in which the representatives of the people. I request you to make the dispositions of them known to the Government of the United States. It will then find the basis of a system connecting more and more the interests of the two nations.

DEFORGES.

P. S. I enclose herein, sir, an arrêt of the committee of public safety, which fulfills, in part, the object proposed in your letter of the 13th of this month. I shall have the honor of communicating to you the measures which shall be taken in the sequel.

Copie du Décret de la Convention Nationale du 8 Mai, 1793, l'an 3 de la république française.

La Convention Nationale, après avoir entendu le rapport de son comité de marine,

Considérant que la navigation des puissances neutres n'est pas respecté par les ennemis de la France;

Que deux cargaisons de farines, arrivées à Falmouth sur des navires Anglo-Américains, et achetées avant la guerre, pour le service de la marine française, ont été retenues en Angleterre par le Gouvernement, qui n'a voulu en payer la valeur qu'à un prix au dessous de celui auquel elles avaient été vendues;

Qu'un navire de Papembourgh, nommé La Théria, commandé par le Capitaine Hendrick Rob, chargé de divers effets appartenant à des Français, a été conduit à Dover, il y a du mois de Mai, par l'option d'arrest;

Qu'un corsaire de la même nation a amené au même port de Douvres, le 18ème du même mois, le navire Danish le Mercure, Christianlind, Captaine Freuchen, expédié de Dunkerque le 17me, avec un chargement de blé pour Bordeaux;

Que le navire le John, Captaine Shkleeley, chargé d'un six mille quintaux de blé d'Amérique, allant de Falmouth à St. Malo, a été arrêté par une frégate Anglaise, et conduit à Guernsey, où les agents du Gouvernement ont simplement pris de payer la valeur de la cargaison, parce qu'elle n'était pas pour compte Français;

Que 101 passagers Français, de différentes professions, embarqués à Cadiz, par ordre du Ministre Espagnol, sur les navires de guerre et corsaires français, Anovice et Brisco, pour être amené à Bayonne, ont été indignément pillés par l'équipage d'un corsaire Anglais;

Qu'aucune escale n'est permise, et que, par l'intermédiaire des villes maritimes de la république, anonce que ces mêmes actes d'inhumanité et d'injustice se multiplient et se répètent immanquablement jour sur toute l'étendue des mers;

Que dans une pareille circonstance tous les droits des gens étant violés, il n'est plus permis au peuple Français de s'empiler, vis-a-vis toutes les puissances neutres, en général, le vrai qu'il a soui souvent manifesté, et qu'il formulera constamment pour la pleine et entière liberté du commerce et de la navigation, décrète ce qui suit:

Art. 1. Les batiments de guerre et corsaires Français peuvent arrêter et amener dans les ports de la république les navires neutres qui se trouvent chargés en tout ou en partie, soit de cotesmières appartenant à des neutres, soit de marchandises appartenant aux ennemis, suite de marchandises appartenant aux ennemis.

Art. 2. Les marchandises appartenant aux ennemis seront libres de droits, sauf de ceux laisser aux marchandises étrangères, après un effet de prélevement; les cotesmières appartenant à des neutres, et chargés pour des ports ennemis, seront payés sur le pied de leur valeur dans le lieu pour lequel ils étaient destinés.

Art. 3. Dans tous les cas, les navires neutres seront relâchés au moment où le déchargement des cotesmières arrêtées aura été accompli, et que les marchandises, après un effet de prélevement, pour les marchandises arrêtées, et chargés pour des ports ennemis, seront payés sur le pied de leur valeur dans le lieu pour lequel ils étaient destinés.

Art. 4. Le fret en sera payé, au taux qui aura été stipulé par les chargés, une juste indemnité sera accordée, à raison de leur détention, par les tribunaux qui doivent conserver de la validité des prises.

[TRANSLATION.]

Copy of the Decree of the National Convention, of the 9th May, 1793, second year of the republic of France.

The National Convention, after having heard the report of their marine committee,

Considering that the neutral powers are not respected by the enemies of France;

That two cargoes of flour, arrived at Falmouth in Anglo American vessels, and purchased before the war, for the service of our navy, have been detained here by the service of the Government, who would not pay them except at a price below that at which flour had been sold in France;

That a vessel from Plymouth, called the Théria, commanded by Captain Hendrick Rob, laden with divers effects belonging to Frenchmen, has been conducted to Dover, and there arrested, by an English cutter;

That a privateer of the same nation was carried into the same port of Dover, the 18th of the same month, the Danish ship Mercury, Christianlind, Captain Freuchen, expeditad from Dunkirk the 17th, with a cargo of wheat for Bordeaux;

That the ship John, Captain Shkleeley, laden with near six thousand quintals of American wheat, bound from Falmouth to St. Malo, has been taken by an English frigate, and conducted to Guernsey, where the agents of the Government have simply promised to pay the value of the cargo, because it was not on account of the French;

That one hundred and one French passengers, of different professions, embarked at Cadiz by order of the Spanish minister, in a French ship, called the Apache, Captain Ambrose Briois, bound to Bayonne, have been shamefully pillaged by the crew of an English privateer;

That the divers reports which are successively made by the maritime cities of the republic, announce that these same acts of inhumanity and injustice are daily multiplied and repeated, with impunity, throughout the sea;

That, under such circumstances, all the rights of nations being violated, the French people are no longer permitted to fulfill, towards the neutral Powers in general, the vows they have so often manifested, and which they will constantly make for the full and entire liberty of commerce and navigation, decrees as follows:

Art. 1. The French ships of war or privateers may arrest and bring into the ports of the republic the neutral vessels which shall be laden, wholly or in part, either with articles of provision belonging to neutral nations and destined for an enemy's port, or with marchandises belonging to an enemy.

Art. 2. The marchandises belonging to an enemy shall be declared good prize, and confiscated to the profit of the causing of the article. The marchandises belonging to neutral nations, and laden for an enemy's port, shall be paid for according to their value in the place to which they were directed.

Art. 3. In all cases the neutral vessels shall be released, as soon as the unloading of the articles of provision or marchandises seized shall have been effected. The freight thereof shall be paid at the rate which shall have been stipulated by the persons who shipped them. A just indemnification shall be allowed, in proportion to their detention, by the tribunaux who are to have cognizance of the validity of the prices.
The Minister for Foreign Affairs to Mr. Morris, Minister Plenipotentiary of the United States of America to the republic of France.

PARIS, October 17, 1793, second year of the republic.

I this moment received, sir, the annexed letter from the Minister of Marine. I hope that the measures taken by him will serve to discover the persons who have rendered themselves guilty of the excesses which you transmitted to me.

DEFORGUES.

Copy of a letter from the Minister of Marine to the Minister for Foreign Affairs, dated 25th of the first month of the second year of the republic.

I have received, my dear colleague, with the letter you wrote to me the 6th of this month, (27th September, old style) copies of those articles which have been taken from the United States, in which he complains of, and demands satisfaction for, the pirates said to have been exercised by the frigate la Meduse, on the American ship Mary, and upon that of le Commerce, by the Tiger, a privateer from St. Malo.

There has not, hitherto, come to my knowledge any complaint, nor has there existed in my office any paper, relative to those crimes, which are of a species so much the more serious, as they attack a nation with whom the republic wish to preserve the most intimate and friendly connections.

I address, by this courier, to the arondonnateurs of Brest, Rochefort, and St. Malo, copies of the papers, respectively, concerning the frigate and the privateer accused. I enjoin them to take, each, within their jurisdiction, the most exact information. I shall instantly transmit you the evidences which I may receive, that you may be enabled to give to the minister of the United States the explanations and satisfaction which he demands, with justice.

The Minister Plenipotentiary from the United States of America to the republic of France, to Monsieur Deforgues, Minister of Foreign Affairs.

PARIS, October 19, 1793.

SIR:

The attention which several pressing affairs required, made it impossible for me sooner to answer the letter which you did me the honor of writing to me on the 18th. I have examined, with respectful care, the decree of the 9th of May, emanating from the conduct of your enemies, and supported by some reasons to which you have given their greatest lustre. It is possible, sir, that the difference of our position leads us to see the same object in a different manner. But, although I cannot be of your opinion, I do not intend further to discuss the considerations which have produced the decision of the French Government. I confine myself to the rendering of a faithful account of it to the Government of the United States; and I am persuaded that, in considering them, liberal friendship will put in the balance the difficulties of a revolution, and of a war without example. I ought, however, to say, that the question does not appear to me to turn upon the law of nations. I make an exception to that law, by the stipulations of a treaty. This treaty, in derogating from this law in favor of merchantmen of your enemies, has derogated, in like manner, from it, to the prejudice of our merchantmen found in the vessels of your enemies. We have seen at Philadelphia the public sale of a cargo, the property of one of our citizens, taken by a French privateer on board an English vessel; all opposition was of no avail, because, according to the constitution, our treaties are the supreme law of the land. You will agree, sir, that it is hard for my fellow-citizens not to have the advantage, either of the treaty, or of the law of nations; to lose their merchantmen by the treaty, and not to be able to compensate themselves for it, under the protection of this same treaty, by the freight of enemy merchantmen. In comparing the facts of the same epoch, you will be amazed on seeing what passed at Paris, and at Philadelphia. Your good sense will lead you to anticipate the claims of our merchantmen, and the insinuations of our enemies.

THOMAS JEFFERSON, Esq. Secretary of State.

[NOTE.—No. 34 was not communicated to the Senate.]
PARIS, March 3d, 1789.

Dear Sir:—

Here is a copy of what I had the honor to write on the 23d of last month. Since that period, there are advices here, which announce the re-establishment of the King of Great Britain's health but from a letter I have just received from the Marquis de la Lazzerno, I am disposed to doubt it.

The other day I saw the Duc de Castries, who served in America, under the title of the Comte de Charlu. He desired to be remembered to you, and so did General Duplessis, who has been promoted lately. Our friend, the Marquis de Lafayette, is now in Auvergne, attending his election. This country presents an astonishing spectacle to me, and the Revolution left him in a very low estate. He is now resolved, and a desire to imitate the English prevailis alike in the cut of a coat, and the form of a constitution. Like the English, too, are all engaged in parliament-sitting; and when we consider how novel this last business must be, I assure you, Sir, it is well worthy of the farthest observation.

For General Chastellux, I have no more. I have seen his widow, an amiable woman, who is not the less lovely for the tears she sheds to her memory. A fine boy remains as the pledge of connubial tenderness. I think it would give her great pleasure if you took the trouble to mingle in a short letter condolences for one event, and congratulations for the other. You could in that case oblige me by confiding the letter to my care. Excuse me, I pray, for dropping this hint, and do me the justice to believe that, with sincere esteem and respect, I am yours,

GOUV. MORRIS.

To GEORGE WASHINGTON, President of the United States.

PARIS, April 20th, 1789.

Dear Sir:—

I had the pleasure to write to you a short letter on the 3d of last month. Monsieur de Lafayette is since returned from his political campaign in Auvergne, crowned with success. He had to contend with prejudices, and the interests of his order, and with the influence of the Queen and princes, (except the Duke of Orleans) but he was too able for his opponents. He played the orator with as much eclat as ever he acted the soldier, and is at this moment as much admired and hated as his heart could wish. He is also much beloved by the nation: for he stands forward as one of the principal champions for her rights.

The elections are finished throughout this kingdom, except in the capital, and it appears, from the instructions given to the representatives, (called here les colliere) that certain points are universally demanded, which, when granted and secured, will render France perfectly free, as to the principles of the constitution: I say the principles, for one generation at least will be required to render the practice familiar. We have, I think, every reason to wish that the patriots may be successful. The generous-wish that a free people must have to disseminate freedom, the grateful emotion which rejoices in the happiness of a benefactor, and a strong personal interest as well in the liberty as in the person of that benefactor, make such an interest more powerful in the mass of mankind.

I say, that we have an interest in the liberty of France. The leaders here are our friends. Many of them have imbibed their principles in America, and all have been fired by our example. Their opponents are by no means rejoiced at the success of our revolution, and many of them are disposed to form connexions of the strictest kind, with Great Britain. It is necessary, therefore, that we have a firm Man to conduct that of France. I think I may safely say that France has an interest to maintain the imperial character of America, in order to prevent her from being reduced to a colonel or anintegral part of any other nation.

The materials for a revolution in this country are very indifferent. Every body agrees that there is an utter proscription of morals but this general position can never convey to an American mind the degree of depravity. It is not by any figure of rhetoric, or force of language, that the idea can be produced. A hundred and a thousand examples, are required to show the extreme rottenness of every member. There are men and women who are greatly and eminently virtuous. I have the pleasure to number many in my own acquaintance; but they stand forward from a back ground deeply and darkly shaded. It is, however, from such crumbling matter that the great edifice of freedom is to be erected here. Perhaps, like the stratum of rock, which is spread under the whole surface of their country, it may harden when exposed to the air; but it seems quite as likely that it will fail, and crush the builders.

I own, Sir, that I am not without such apprehensions, for there is one fatal principle which pervades all ranks—it is a perfect indifference to the violation of engagements. Inconstancy is so mingled in the blood, marrow, and very essence of this people, that, when a man of high rank and importance laughs to day at what he seriously asserted yesterday, it is considered as in the natural order of things. Consistency is a phenomenon. Judge, then, what would be the value of an association, should such a thing be proposed, and even adopted. The great mass of the common people have no religion but their priests, no law but their superiors, no morals but their interest. These are the creatures who, led by drunken curates, are now in the high road à la liberte, and the first use they make of it is to form insurrections everywhere, for the want of bread. We have had a little hot here yesterday, and the day before, and I am told that some men have been killed: but the affair was so distantly from the quarter in which I reside, that I know nothing of the particulars.

GOUV. MORRIS.

To GEORGE WASHINGTON, President of the United States.

PARIS, July 1st, 1789.

My Dear Sir:—

I am too much occupied to find time for the use of a cipher, and in effect the Government here is so much occupied with its own affairs, that in transmitting to you a letter under an envelope there is no risk. This, however, I am pretty certain will go safe. The States General have now been a long time in session, and have done nothing. Bitherto they have been engaged in a dispute, whether they shall form one body or three. The commons, which are represented by number equal to both the others, and who, besides, have at least equal to the representatives of the clergy, insist on forming a single house. They have succeeded; but the nobles deeply feel their situation. The King, after siding with them, was frightened into an abandonment of them. He acts from terror only.

*At this time Ambassador in England from France.
† He served in the United States during the Revolution.
‡ Major General in Rochambeau's army, while in the United States, and author of an interesting book of travels in this country.
The soliety in this city, particularly the French guards, declare they will not act against the people. They are now treated by the nobility, and parade about the streets drunk, buzzzing for the Tiers. Some of them have in consequence been confined, not by the force, but by the arrograncy of authority. Last night this circumstance became known, and immediately a mob repaired to the prison where they were shut up and looted this asilants. A party of dragoons ordered on duty to disperse the rioters, thought it better to drink with them, and return back to their quarters. The soldiers, with others confined in the same prison, were then paraded in triumph to the Palace Royal, which is now the liberty pole, and there they celebrated. As far as this event is concerned, never have the Frenchmen, or any men, done such a thing. A return of the trade to the liberty of the kings, and to the people is to be expected for liberty is now the general cry, and authority is a name, not a real existence. The court are about to form a camp in the neighborhood of Paris, of twenty-five thousand men, under the command of the Maréchal de Broglio. I do not know him personally, therefore cannot judge what may be the results of the army, but all he can do goes to the point, that he will never bring his army to act against the people. The garde du corps are as warm adherents in general to the Tiers, as any body else, strange as that may seem; so that, in effect, the sword has slipped out of the Monarch's hands, without his perceiving a title of the matter.

As these things in a nation, not yet fitted by education and habit for the enjoyment of freedom, give me frequently suspicions, that they will greatly overshoot their mark, if indeed they have not already done it. Already some people talk of limiting the King's negative upon the laws. And as they have hitherto felt severely the authority expressed in the name of people, and to a certain extent the authority of the crown, I must be doubtful, if they are to know a broken reed, for want of some solid dependence. In their anguish they curse Necker, who is in fact less the cause than the instrument of their sufferings. His popularity depends now more on the opposition he meets with from one party, than any serious regard on the other. All of which gives him so much the more weight in counsel, which a fortnight ago decided everything.

If they were not afraid of consequences, he would be dismissed; and on the same principle the King has refused to accept his resignation. If his abilities were equal to his genius, and he were as much supported by firmness as he is supported by ambition, he would have had the exalted honor of giving a free constitution to above twenty millions of his fellow creatures; and would have reigned long in their hearts, and received the unanimous applause of posterity. But as it is, he must soon fall; whether his exit will be physical or moral, must depend on events which I cannot foresee. The best chance which royalty has, is, that popular excesses may alarm. At the rate at which things are now going, the King of France must soon be one of the most limited monarchs in Europe.

GOUVERNEUR MORRIS.

TO JOHN JAY, Secretary for Foreign Affairs.

DEIPPE, July 31st, 1789.

DEAR SIR:

I had the honor to write to you on the 29th of April last. I shall not trouble you with a recital of events, which Mr. Jefferson has, I know, communicated to the office of foreign affairs. But being now here, on my way to Brest, I can assure you, that my voyage was not a vassalage. I have been able to make my views known to the officers, as well as in the small circles of the people, in such a manner as to contain the political, military, pecuniary, and commercial state of this country. I believe them to be tolerably authentic as far as they go.

I will also communicate a matter, which Mr. Jefferson was not yet informed of, and which I could not tell him, because I was forbidden to mention it to any person here. You know, I dare say, that the Count de Moustiers has his congé. His successor will be Colonel Terrant. At first, in the character of chargé des affaires, and, when M. de Moustiers is otherwise placed, it is highly probable that Terrant may be made minister; but that will depend on the situation of the court at the time, so that there I only state probability. As to the other, you may rely on it with the utmost confidence; because my intelligence I know to be good. The important trait in this appointment is, that he is named as a person who will be agreeable to you.

You may rely, also, on what I am about to mention, but which I pray you not to disclose. It is known to very few in this country, and may, perhaps, as it ought, be buried in oblivion. The King has actually formed the design of going off to Spain. Whether the measures set on foot to dissuade him will have, as I hope, the desired effect, time only can discover. His fears govern him absolutely, and they have, of late, been most strongly excited. He is a well meaning man, but extremely weak and probably these circumstances will, in every event, secure him from personal injury. An able man would not have fallen into his situation, but, I think, that no ability can now extricate him. He must float along the current of events, being absolutely and entirely a cipher. If, however, he should fly, it would not be easy to predict the consequences, for this country is at present as near to anarchy, as several of the states. The officers are alarmed; and that he was soar, among them would not be injured by experience, and, unfortunately, there are great numbers who, with much imagination, have little knowledge, judgment, or reflection. You may consider the revolution as complete, that is to say, the authority of the King and of the legislative is gone. But the latter is only a colour, and those romantic ideas of government, which, happily for America, we were cured of before it was too late. They are advancing rapidly. But I must check myself, or my reflections will occupy too much space, both for you and for me.

I have seen in the papers that Mr. M. de Lafayette. He had promised to trust me with a letter for you, but he must be excused, for he is as busy as a man can be. Not long since, speaking to him on his own subject, I told him some hints I had given, tending to make him governor of the Isle of France, which, you know, includes Paris. He declared that the command of the military in that city only was too much for him, and that he was fully satisfied with the latter. My views, however, have been hitherto directed to Paris, completely within his authority. He had marched him where he pleased, measured out the degree of applause he should receive, as he pleased, and, if he pleased, could have detained him prisoner. All this is strictly true. He commanded, on that day, at least eighty thousand soldiers, and the King's progress through them, to the Hotel de Ville, bore the title of: "c'est un soldat;" and only on his return, cried vive le Roi.

I do not know whether you will be informed of the critical situation in which things were placed, just before the last ministry were turned out and the old one restored. My authority is very good, but yet I will not vouch for the truth. I was resolved to reduce Paris by famine; to take two hundred for the States General; and to dis-
solve that assembly; and to govern in the old fashioned way. All this, you will say, was madness, and, therefore, improbable. But was it not equally mad to drive away Necker, and change the ministry at the time, and in the manner, which were chosen for that purpose? The men, weak enough for the one, were certainly mad enough for the other. Two German regiments, which were to be employed, were regaled by the Queen in the Orangery at Versailles. They received promises and largesses, and were prevailed on to shout "Vive la Reine, vive le Comte d'Artois, vive la Duchesse de Polignac." Afterwards their music played, for hours, under her Majesty's window. The Maréchal de Broglio endeavored, at the same time, to conciliate the artillery. But it was at that period discovered, that, though the troops would shout and sing, yet they would not fight against their countrymen. All which might have been known long ago. At the moment when their intrigue was carrying on by the court, the gardes du corps and gardes françaises combined to defend the members of the National Assembly. I pass over those facts, which you cannot but know, to mention, in one word, that the whole army of France have declared for liberty, and that one reason why his Majesty has not taken the steps above mentioned, is, that he does not know a single regiment that would obey him.

Aslieu, my dear sir, I write this letter in much hurry, and after much fatigues. Excuse in it every thing inaccurate or indelicate, and pardon it, on the score of that sincere and affectionate respect, with which I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

Dear Sir:

In my first moments of leisure, I acknowledge the receipt of your several favors. To thank you for the interesting communications contained in those letters, and for the pains you have taken to procure a watch, is all, or nearly all. I shall attempt in this letter for, I could only repeat things, were I to set about it, which, I have reason to believe, have been regularly communicated to you in detail, at the periods which gave birth to them. It may not, however, be unpleasing to you to hear, in one word, that the National Government is organized, and, as far as my information goes, to the satisfaction of all parties; that opposition to it is either no more, or hides its head; that it is hoped; and expected it will take strong root; and that the non-acceding States will very soon become members of the Union. No doubt is entertained of North Carolina; nor would there be any of Rhode Island, had not the majority of those people led asylum, long since, to every principle of honor, common sense, and honesty. A material change, however, has taken place, it is said, at the late election of representatives, and confident assurances are given, from that circumstance, of better dispositions in their Legislature, at its next session, now about to be held.

The revolution which has been effected in France, is of so wonderful a nature, that the mind can hardly realize the fact. If it ends, as our last accounts to the first of August predict, that nation will be the most powerful and happy in Europe; but I fear, though it has gone triumphantly through the first paroxysm, it is not the last it has to encounter before matters are finally settled. In a word, the revolution is of so great a magnitude to be effected in so short a space, and with the loss of so little blood. The mortification of the King, the intrigues of the Queen, and the discontent of the princes and noblesse, will foment divisions, if possible, in the National Assembly, and they will unquestionably avail themselves of every faux pas in the formation of the constitution, if they do not give a more open, active opposition. In addition to these, the licentiousness of the people, on one hand, and sanguinary punishments on the other, will alarm the best disposed friends to the measure, and contribute, not a little, to the overthrow of their object. Great temperance, firmness, and foresight, are necessary in the movements of that body. To forbear running from one extremity to another is no easy matter, and, should this be the case, rocks and shoals, not visible at present, may wreck the vessel, and give a higher toned despotism than the one which existed before.

I am, dear sir, &c.

G. WASHINGTON.

To GEORGE WASHINGTON, President of the United States.

Paris, January 22d, 1790.

Dear Sir:

Yesterday I went to dine with the Comte de Montmorin, and expressed to him my wish that France might seize the present moment to establish a liberal system of commercial policy for her colonies. I observed, that her interest was deeply at stake, because America could always dispose of the Islands, and would naturally wish to see them in possession of that Power under whose government they would be most advantageous to her. That nothing could lead so much to make the United States desirous of an alliance with Britain, as to exclude them from commerce and trade with the French colonies. That, if the metropolis wishes to preserve the affection of her distant subjects, and to derive from them the greatest commercial benefit, she ought to suffer them to draw their subsistence from that quarter where they can obtain it most cheaply. He assured me that he was fully of my opinion; said that our position rendered it proper to make in our favor an exception from their general system respecting other nations, and that he hoped, within a fortnight, something might be done. But he lamented, as he had done before, that they have no chief minister, and consequently no fixed plan nor principles. I shall see him again before I depart, and also Monsieur de la Luzerne, within whose department this matter regularly lies. He is an adherent to the exclusive system, which is unfortunate.

In the National Assembly, also, there is a considerable difficulty. Among the most violent of the violent party, are some representatives of cities on the western coasts of this kingdom, where the chief commerce is with the Islands and the West Indies. These would be the advocates for America, did they wish to offend these gentlemen; and therefore are desirous of waving the matter at present. For my own, I am very desirous that the business should be put in train at least. If successful, so much the better; but at any rate, it will give an alarm on the other side of the channel. If either of these rival nations sets the example, the other will soon follow; and although it is not very clear, that the actions and doings of the Assemblée Nationale in general will long endure, yet whatever they grant to us in this particular business, those who come after them will be fearful of retracting. Under these impressions, for a long time past, I have been endeavoring to smooth the way towards our object, and I believe in the success.

I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

Paris, January 22d, 1790.

Dear Sir:

In another letter of this date, I have mentioned a part of yesterday's conversation with the Comte de Montmorin. That part of it which I am now to communicate, is for yourself alone. As Monsieur de Lafayette had asked me, some days ago, who should be sent to replace the Comte de Moustiers, and upon my answering with great
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indifference, that it might be whom he pleased, had asked my opinion of Colonel Terrant, I told the Count de Montmorin this circumstance; to which he replied, that he had communicated his intention to Monseur de Lafayette this sometime since, in consequence of the intimacy which had sprung up between them. I asked him if he would express my sentiments to the Minister, giving him the pleasure of telling him that he should consider it as a very great kindness, and particularly if through the same channel he could learn whether that appointment would be agreeable to you. This is, you know, a compliment which the most respectable courts on this side of the Atlantic usually do. It is, in the present case, all the more important, because Monseur de Montmorin is sincerely desirous of cultivating a good understanding with the United States.

It is not impossible that he may retreat from his present office; but he will, I think, in that case, be appointed governor to the children of France, and his opinions, while about the court, will have weight, for many reasons; amongst others, because he performs them. But I have not the least doubt that he will be as wise as he is kind, and will never do the least injury by his absence. Our friend Lafayette burns with desire to be at the head of an army in Flanders, and drive the Stadtholder into a ditch. He acts now a splendid but dangerous part. Unluckily he has given in to measures, as to the constitution, which he does not heartily approve, and he heartily approves many things which experience will demonstrate to be injurious. While all is in confusion here, the revolt of Austrian Paltzers, and the troubles existing in Britain, in the agency of Prussia, give every reason to suppose that the King of Sweden will be vigilously supported; so that provided the Turk has but a sufficient share of obstinacy to bear a little more beating, the scale, according to human probabilities, must turn against Austria and Prussia, who are the allies of France. Great Britain is, as yet, no otherwise more disposed than is an eventual party; and, according to the best opinion which my judgment can form, upon the information I have obtained, to retain the power of that country, can, by the words of Mr. Addison, "rise in the whirlwind and direct the storm." A person, however, on whose knowledge I have some reliance, assures me that Mr. Pitt, engaged in a conflict of very critical consequence, will do them what he is absolutely forced into, and I am inclined to believe that there is some truth in that assertion.

Accept, I pray, the assurances of that sincere esteem with which I am yours, &c.

GOVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

DEAR SIR:

It gave me very sincere pleasure to learn from you the good tidings which you communicate respecting our new Government. I know that you are not liable to the dupery of false hopes and groundless expectations; and I have frequently heard people in this country express their wish to have a government which may be calculated, sensible appeal to the interest, feelings, and common sense of our countrymen, that it must, by its own intrinsic weight, bear down all opposition. I have, from time to time, received very great pleasure at the development of its principles by the Legislature, which, in my opinion, does them the greatest honor. They have far, very far, exceeded the views of the most sanguine when the project was first put forth to the country, and I am more than ever content to carry out to my wishes.

I have not unfrequently brought myself to share in the pleasure you must feel, in the consciousness of your own useful agency. Certainly it is the sublimest sentiment of the human heart, to know that we make others happy and more especially those whom we love. How many of us, I am sorry to say, know, that no person but yourselves, and the American people, who in America, is known by the name of pettifogging lawyers; together with a host of curates, and many of those persons who, in all revolutions, stand to the standard of change, because they are not well.

This last party is in close alliance with the populace here, and derives, from that circumstance, very great authority. They have already unhinged every thing, and, according to custom on such occasions, the torrent rushes on irresistible, until it shall have wasted itself. The Aristocrats are without a leader, and without any plan or system as yet, but really to throw themselves into the arms of any one who shall offer. The middle party, who mean well, have an idea of government by the people, and, as I believe, sometimes publish it in the newspapers; but as it happens, somewhat unfortunately, that the men who live in the world are very different from those who dwell in the heads of philosophers, it is not to be wondered at, if the systems taken out of books are fit for nothing but to be put into books again.

I am, dear sir, with much affection,

Gouverneur Morris.

PARIS, January 24, 1790.

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very pathetic oration, and the object was to show that no penalties are the legal compensations for injuries and crimes; the man who is hanged, having by that event paid his debt to the society, ought not to be held in dishonest; and, in like manner, by paying the compounds in years that were served on the life, the officer, he said, was again good company, as if nothing had happened. You smile; but observe the extreme to which the matter was carried the other way. Dishonoring thousands for the guilt of one, has so shocked the public sentiment, as to render this extreme fashionable. The oration was very fine, very sentients, and a coronation of applause from the audience.

When this was pretty well over, I told him that his speech was extremely eloquent, but that his principles were not very solid. Universal surprise! A very few remarks changed the face of things; the position was universally condemned, and he left the room. I need not add that, as yet, it has not received much observation; but sometimes an orator gets up in the midst of another deliberation, makes a fine discourse, and closes with a good snug resolution, which is carried with a huzza. Thus, in considering a plan for a national bank, proposed by M. Necker, one of them took it into his head to move that everything must be put into such a shape which was agreed to at once, and the honorable mover laid his hand upon the table, after which the business went on again.

It is very difficult to guess whereabouts the fleet will settle, when it flies so wild; but, as far as it is possible to guess at present, this (the) kingdom will cast into a counter of little democracies, laid out, not according to the rivers, nor south and north, nor by the nature of the soil, but according to the habitations and the power, and, according to the people, which had anciently different laws, called coutumes, as the chippings and parings of several different provinces must fall together within some of the new divisions, I think such fermenting matter must give them a kind of political choli.

Their Assemblee Nationale will be something like the Old Congress, and the Dutch Council of Magistrates. As yet they have been busily engaged in pillaging the present occupant of his authority; how much they will leave him, will depend upon the chapter of accidents. I believe it will be very little; but, little or much, the perspective of such a King, and such an Assemble, brings to my mind the saying which Shakespeare has put into the mouth of Hamlet, that... I suppose the third is up. World, thou hast but a pair of chops, and throw between them all the food thou may'st, they needs must grind each other.

At present the people are fully determined to support the Assemblee; and, although there are some discontent, I don't doubt they will very soon change the style of opposition. Indeed, it would be wonderful if there should be for: hitherto an extension of privileges, and a remission of taxes to the lower class, have marked every stage of their progress; besides, the love of novelty is a great sweetener in revolutions.

But the time will come when this novelty will be over, and all its charms gone; in lieu of the taxes, the old tax for the power, the inconsiderate, the interested, the envious, the cupidity, which will be ruinous to the state, or, in urging the collection of taxes, displace their constituents. In all probability there will be a little bit of both. Hence must arise bickerings and heartburnings among the different districts, and a great lamentation for the departure of the public funds. As they will fall short of calculation in point of time, if not in amount, (and that is the same thing where revenue is concerned) it will follow, that either the interest of the public debt will not be regularly paid, or that the various departments will be starved; probably a little of both. Hence will result a loss of public credit, and, therewith, much injury to commerce and manufactures, operating a further decrease in the means of revenue, and much disturbance of the exterior operations of the kingdom.

At this moment the discontented spirits will find congenial matter in abundance to work upon; and, from that period, all the future is involved in the mist of conjecture. If the reigning prince were not the small beer character that he is, there can be but little doubt that, watching events, and considering his present circumstances, to what extent, situated as he is, eats, and drinks, and sleeps well, and laughs, and is as merry a grin as lives? The idea that they will give him some money, which he can economize, and that he will have no trouble in governing, contents him entirely. Poor man! he little thinks how onestable is his situation in that respect! the people will love what they possess, but they must be supported by a belief of good natured pity which one feels for a led captive. There is, besides, no possibility of serving him: for, at the slightest show of opposition, he gives up every thing, and every person. As to his ministers, the Comte de Montmorini has more understanding than people general imagine, and he means well, very well. But he means it feebly. He is a good man, one who would make an excellent peace minister, in quiet times, but he wants the vigor of mind needed for great occasions. The Comte de la Luzerne is an indolent, pleasant companion, a man of honor, and as obstinate as you please; but he has somewhat of the creed of General Gates, that the world does a great part of its own business, and that the minister is but a... No man of affairs, who is the oneness of use, and the exactness of much upon the run of the dice. The Comte de St. Priest is the only man among them who has what they call caracter, which answers to our idea of firmness, joined to some activity. But a person who knows him pretty well, (which I do not) assures me, that he is mercenary and false but hopeless; a man, who may, however may come, who will never pay his debt, and who has been told by his master, the Marquis de Lator-Dupin, the Minister of War, whom I am also unacquainted with, is said to be no great things, in any respect.

M. Necker was frightened by the Enrages into the acceptance of him, instead of the Marquis de Montesquieu, who has a considerable share of talents, and a great deal of method. Montesquieu is, of course, at present the enemy of M. Necker, having been his friend.

As to M. Necker, he is one of those people who has obtained a much greater reputation than he had any right to. His enemies say that, as a banker, he acquired his fortune by means which, to say the least, were indefecitile, and they mention instances. But in this country every thing is so much exaggerated, that nothing is more useful than a little skepticism. M. Necker, in his public administration, has always been honest and disinterested; which proves well, I think, for his former private conduct; or else it proves that he has more vanity than culpability. He is that as it may, an unspotted integrity as minister, and serving, at his own expense, in an office which others seek for the purpose of enriching themselves, have acquired for him and these officers much respect, that his writings on finance, which is a sort of sensibility, which makes the fortune of modern romances, and which is exactly suited to this lively nation, who love to read but hate to think. Hence his reputation. He is a man of genius, and his will, which is a very different thing, be able to say that he has talents, or rather, if his reputation has been established as a writer, he has taught him to make tight bargains, and put himself upon his guard against projects. But though he understands man as a consummate creature, he does not understand mankind; a defect which is remediable. He is utterly ignorant of politics, by which I mean politics in the great sense, or that sublime science which embraces for its object the happiness of mankind. Consequently he neither knows what constitution to form, nor how to obtain the consent of others to such as he wishes. From the moment of convening the States General, he has been afflicted on the wide ocean of accidents.

But what is most extraordinary is, that, M. Necker is a very poor financier. This, I know, will sound like heresy in the eyes of the world. People, but it is true. The plans he has proposed are feeble and inept. Hitherto, he has been supported by borrowing from the Caisse d'Escompte, which, (being by means of what they call here an arrêt de circulation) has lent him a sum in their paper exceeding the totality of their capital, by about 20,000,000 crowns. To that fund is assigned to the extraordinary expenses of a war, at the end of which was a tax upon every member of the community of a fourth of his revenue, and this he declared to be needful for saving the State. His enemies adopted it, (declaring, what is very true, that it is a wretched, impracticable measure) in the hope that he and his scheme would fail together. This assembly, this patriotic band, took in the lump that would have destroyed and laddened the people and, as, they said but, in fact, because they would not risk the unpopular a tax.

The plan thus adopted, M. Necker, to escape the snare which he had nearly got taken in. altered his tax into what they call the patriotic contribution. By this, every man is to declare, if he pleases, at what he pays to estimate his annual income, and to pay one-fourth of it in three years. You will easily suppose that this fund was unprodu-
tive; and, notwithstanding the imminent danger of the State, we are as yet without any aid from the *contribution patriote.*

His next scheme was that of a national bank, or at least an extension of the *Caisse d'Escompte.* It has been variously modelled since, and many capital objections removed; but at last it is good for nothing, and so it will turn out. At present it is just beginning. By way of giving some base to the present operation, it is proposed and determined to sell about ten or twelve millions sterling of the crown and other lands, both of which an extension of the *Caisse d'Escompte* are included. They have appointed a treasurer to receive what they will sell for hereafter, and they issue a kind of order upon this treasurer, which is to be called an *assignat,* and is to be paid, (out of these sales) one, two, and three years hence. They sell them by annual payments of one, two, and three per cent upon the sum, and the proceeds to go into the *Caisse d'Escompte,* and they are, at the same time, to pay some of the more pressing debts with the same *assignats.*

Now this plan must fail as follows: First, there will be some doubt about the title to these lands, at least till the revolution is completed. Secondly, the representative of the land must always (for a reason which will presently appear) sell for the account of a representative of money, and therefore, until the *Caisse d'Escompte* has reduced the five per cents are above par, these *assignats* bearing five per cent, must be below par. Money, therefore, cannot be raised upon them but at a considerable discount. Thirdly, the lands to be disposed of must sell a great deal below their value, for there is not money to buy them in this country; and the reason is, that they never obtained money on loan at the legal interest, but always upon a premium and at a rate of interest (as from the employers of commerce and manufactures) and as the revolution has greatly lessened the mass of money, the effect of the scarcity must be greater.

Moreover, there is a solecism in the plan, which escapes most of them, and which is, nevertheless, very palpable. The value of lands in Europe is, you know, estimated by the income. To dispose of public lands is to sell public revenue; and, therefore, taking the legal interest at five per cent, lands renting for 100 livres ought to sell for 2,000, but they expect that these lands will sell for 3,000, and that, thereby, not only public credit will be restored, but a great saving will be prevalued as the 3,000 will redeem an interest of 190. It is, however, an indisputable fact, that public credit being established, the stocks are worth more than land of equal income, and for three reasons: first, that there is no trouble whatever in the management; secondly, there is no danger of bad crops and taxes; and thirdly, they can be disposed of at a great discount. In 1794, if the former wants money, and the public creditors refuse it, therefore, the public credit will be restored, and there be a surplus of about ten millions to be invested, and if such large sales (contrary to custom) should not, from the amount, affect the price, still the lands must go cheaper than the stocks, and consequently, the interest bought will be smaller than the amount sold.

Having thus given you a very rude sketch of the men and the measures of the country, I see and feel that it is time to conclude. I sincerely wish I could say that there are able men at hand to take the helm, whom the present pilots abandon the ship. But I have great apprehensions as to those who may succeed. The present set must without the course of the year, and most of them would be glad to get fairly out of the scrape at present. The country is alike dangerous to stay or to go, and they must patiently wait the breath of the *Assemblee,* and follow as it blows. The new order of things cannot endure. I hope it may be mended, but fear it may be changed. All Europe, just now, is like a mine ready to explode; and if this winter does not produce peace, next summer will behold a wider extension of the war.

To George Washington, President of the United States.

GOUVERNEUR MORRIS.

DEAR SIR:

The country I now inhabit, on which so many other countries depend, having sunk to absolute nothingness, has deranged the general state of things in every quarter; and what complicates the scene in no small degree, is a great uncertainty with regard to the future state of the empire, because a new system, calculated on the蹒s state of France, would be as effectually deranged by her recovery, as that was which leaned upon her greatness heretofore, and fell in her fall. The removals, which occurred at a greater distance from his influence, had provided for themself; but the calamity had fallen on his head, and he had been, as it were, pushed into the business of providing for what he regarded as an evil." Having once heard me speak of the business as it was, in a former letter my expectation, that a new system would arise there. In effect, a treaty concluded between what may be called the Baltic Powers, will have considerable influence hereafter upon the general system. When you recollect that they are exclusively the manufacturers of naval stores in this hemisphere, your comprehensive mind will see, that, as the great power in the Baltic, America may be its vassal, and therefore, the resources of the American commerce are indispens-able. This same Baltic is also a granary for southern Europe. Hence a new source of important reflection. I think that occasions will ere long present themselves, in which America may be essentially concerned. But to come nearer home, the causes of the present disorder in France, are this: The Flanders, will be there in the command of fifty thousand men, besides the resource which every sovereign derives from an unsuccessful revolt. The King of Prussia is no longer at the head of an effective Germanic league. The fear of Austria and her connexions has, for evident reasons, subsided, and the Baron Hertzberg, rather a pantain than a politician, but ill fills that great void which was left by the death of Frederick. In fact, Prussia seems to be just that country in shape, extent, fertility, population, connection, and relation, which one would have chosen to show what great genius can do with incompetent materials, and what a dream is human greatness.

The Emperor is in possession of proofs that the spirit of revolt through all his dominions was fostered by that court, and would have broken out in every quarter at the instant of a war. Hence the sudden pacification at Reichenbach, of which the Prussian was the dupe, though he dictated terms. You will readily suppose that Leo-pold, neither as man nor a statesman, can look on such conduct "in the calm light of mild philosophy." Here-on, of course to dominion, which his rival is possessed of, a long opposition of juridical interests, more dangerous than that cap he has just been forced to drink, must lead him to seek, and to seize the moment of vengeance. Forgiv-ness is not a family feature in the house of Lorraine, neither is it the school of Christian meekness. On the other hand, the alliance between him and the late sovereign of this country, is rent to tatters. Not formally cancelled, it is effectually annulled; and it is but a wish that the Emperor, and destitute a connection, which seems necessary to the wisest that could have been formed.

The great power of this monarchy has been for centuries an insurmountable barrier to imperial ambition. Leo-pold, having, however, in every campaign, established himself within the boundaries of France, secured to them by numerous treaties, and guaranteed by the Germanic corps, but lately violated by the National Assembly, wish the whole empire to insist on restitution, and in case of refusal to engage in a war, whose object would be the recovery of Alsace and Lorraine. Many of the discontented nobles and publicists, who are so very numerous in the more democratic classes of the empire, have resolved to engage in a war. So far a pretext, such plausible reasons, both public and private, joined to a great political interest, and personal territorial claims, might determine an enterprising prince. But he is cautious trusting more to art than force. He sees that condition, and self-interest only yet perfectly confirmed. He has the more the example of a predecessor, whose incessant toils brought only an incursion of labourious care; whose anxieties wore away the web of his existence; and whose mighty projects were but the "baseless fabric of a vision." The Germanic body itself is distracted by the duty of supporting its members and a dread of destroying the check upon its chief. So the unhappy country, bewildered in the pursuit of metaphysical whimsies, presents to our moral view a mighty ruin. Like the remains of ancient magnificence, we admire the architecture of the temple, while we detest the false god to whom it was dedicated. Daws and ravens, and the birds of night, now build their nests in its niches.
FRANCE.

The sovereign, humbled to the level of a beggar's pity, without resources, without authority, without a friend. The Assembly is but once a master and a slave, new in power, wild in theory, raw in practice, though incapable of exercising any, and has taken from this fierce, ferocious people, every restraint of religion and of respect. Sole executors of the law, and therefore supreme judges of its propriety, each district measures out its obedience by its wishes, and the great into wits of the multitude, split up into fractional morsels, depend on momentary impulse, and can neither be trusted nor controlled. Such a state of things cannot last.

But how will it end? Here conjecture may wander through unbounded space. What sum of misery may be requisite to change popular will, calculation cannot determine. What circumstances may arise, in the order of Divine providence, to cast vision dim to that will, our sharpest feelings may be found to seize those circumstances, to influence that will, and, above all, to moderate the power which it must contest, we are equaly ignorant of. One thing only seems to be tolerably ascertained, that the glorious opportunity is lost, and (for this time at least) the revolution has failed. In the consequences of it we may, however, find some foundation of future prosperity. Such are, 1. The abolition of those different rights and privileges, which kept the provinces asunder, occasioning thereby a variety of taxation, increasing the expenses of collection, impeding the useful communication of commerce, and destroying that unity in the system of distributive justice, which is one requisite to social happiness. 2. The abolition of feudal tyranny, by which the tenure of real property is simplified, the value reduced to money, rent more clearly ascertained, and the estimation which depended on foreign titles, (even from the most vicious taste, or sullen pride, is destroyed. 3. The extension of the circle of commerce to those vast possessions held by the clergy in mortmain, which, conferring great wealth as the wages of idleness, damped the ardor of enterprise, and impoverished the real industry, which there was need of increasing. 4. The establishment of a system of venal jurisprudence, which, arrogating a kind of legislative veto, had established the pride and privileges of the few on the misery and degradation of the general mass. 5. Above all, the promulgation and extension of those principles of liberty, which will, I hope, remain to cheer the heart, and cherish a nobleness of soul, when the metaphysical froth and vapor shall have been blown away. The awe of that spirit which has been thus raised, will, I trust, excite in those who may hereafter possess authority, a proper moderation in its exercise, and induce them to give to this people a real constitution of government, fitted to the natural, moral, social, and political state of their country.

How, and when, these events may be brought about, I know not. But I think, from the chaos of opinion, and the conflict of its jarring elements, a new order will at length arise, which, though in some degree the child of chance, may be not less productive of human happiness, than the forethought provisions of human speculation.

In the beginning of this year, I mentioned the conviction that, during the course of it, the then ministry would wear out. This has been literally verified, and M. de Montmorin is the only remaining shred of the old garment. As to the present temporary set, I shall say nothing just now, reserving to a better opportunity some sentiments on those who, in their short observation, the time may, in a greater or smaller degree, be forced upon your attention. I must, however, observe, that my letters present very different prospects from those which may reach you through other channels. You, who know mankind thoroughly, will be able to form a solid opinion; and, however that may vary from mine, I shall still rejoice if, even by the display of false ideas, I shall have cast any additional light upon those which are true.

I am, always, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

WASHINGTON, December 1, 1790.

DEAR SIR:

I had the honor to address you a letter on the 23d of last month, in the close of which I mentioned the intention of saying, at a future period, some few words of the people who are now on the stage. To begin, then, with our friend Lafayette, who has hitherto acted a splendid part. The King obays, but detests him. He obeys because he fears. Whoever possesses the royal person, may do what pleases with the royal character and authority. Hence it happens that the ministers are of Lafayette's appointment. A short description of their use was given the other day by Mirabeau: "We make ministers," said he, "as we used formerly to send servants to keep our boxes at the play house." I gave you the explanation of this jest while I was in London. Lafayette thinks that these his cabins are reserved for the King, and will not be taken.

You know Duportail, the Minister of War. He is said to be violent in favor of the revolution. It is more than a year since I have seen him, excepting a short visit of congratulation the other day. My judgment, therefore, should be a little weight; but I believe he is too much the friend of liberty to approve of the constitution. For the war minister, you have already discovered that simplicity of understanding which carries a man as far as his abilities will reach. He may, perhaps, remember his creator in his ministerial youth, in order that his days may be long in the land of office; but I venture to predict that his dutious observance will not endure one half of those of the greatest real ministers. I do not mention him to you, about a year ago, the intention to appoint him; but at that time I endeavored to take his place. The King has chosen Lafayette. They say he is a good kind of man, which is saying very little. The Keeper of the Seals, Monsieur Dupertutere, was a lawyer of eminence, thrown up into office by the circumstances of the moment. He is said to possess both abilities and finances in Amerique Delectari, the Minister of Finances, is rather more than below mediocrity, and possesses that kind of civil ascent which never compromises the possessor, though it seldom travels in company with greatness.

We find not a man among them fitted for the great tasks in which they are engaged, and greater tasks are perhaps impending. I have no proofs, but I have a well-founded opinion, that the leaders of the party were valiant those of the other fear, and both expect, viz. the interference of foreign Powers. One previous step would be to carry off, if possible, the King and Queen. The latter, at least: for there is every reason to apprehend for their safety, should visiting England, that they would be adopted while they are gone.

For my own part I do not believe in any such interference, neither do I think that the opposers of the Assembly have sufficient energy of character to make a civil war. Their attempts, if any, will, I imagine, be feeble, and consequently ruinous to themselves. If, indeed, they had a considerable part of the army, commanded by the Prince of Conti, or by some other person, and if they could imagine themselves destined to adopt such good things as the Assembly have done, and rejecting the evil, then, indeed, there would be different grounds of expectation. But I consider this rather as the visionary hope of a few, than as the fixed plan of persons who can carry it into execution. I am, &c.

GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

WASHINGTON, March 9th, 1791.

DEAR SIR:

I am to acknowledge the receipt of yours of the 17th of December, which reached me several days ago, but no good intelligence. The assembly itself to carry a revenue. The idea you formed of the British cabinet was, I am persuaded, perfectly just. This Government has lately taken some steps which cannot but be advantageous to their interests, for I am persuaded that the late decree laying a heavy duty on oil, giving a great preference of duty on tobacco imported in French ships, and declaring that none but those built in France shall be reputed French bottoms, will excite much ill humor in America. Those who rule here seem to think that, because the old Government was
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sometimes wrong, every thing contrary to what they did must be right; like Jack in the Tale of the Tub, who tore his coat to pieces and then, finding that the skin of his back was much kinder, went on. Or, like the old Congress, in its young days, which rejected the offer of valuable contracts, and employed a host of commissaries and quarter-masters, because Great Britain dealt with contractors.

In the debate on this subject, one of the Lamèdas gave it as his opinion that America was not in a situation to be the judge of such a question. This, which was the result of some hints in the close of the observations I sent to M. de Montmorin, and of which a copy has been transmitted to Mr. Jefferson. I hope that the Congress will not act precipitately in consequence of these decrees, for I believe that proper representations in a proper moment will produce a change; and really, in the present effervescence, very few men can come to a conclusion without some error.

There still continue to be three parties here. The Enrégis, long since known by the name of Jacobins, have lost much in the public opinion, so that they are less powerful in the Assembly than they were; but their committees of correspondence are as numerous as ever, and every day new persons are added to the list.

The military, who, as such, look to the sovereign, are somewhat less factional than they were, but they are rather a mob than an army, and must, I think, fall either to the aristocratic or Jacobin side of the question.

The middle men are in a whimsical situation. In the Senate they follow the Jacobin counsels, rather than appear connected with the other party. The same principle of shame-facedness operates on great occasions out of doors; but as the aristocrats have been forced down by a torrent of eloquence, they are as much alarmed at the inroads of the people. On the other hand, the numerous returns, some of them unnecessary, and all either hasty, precipitate, or extreme, have thrown into the aristocratic party a great number of discontented. The military, who, as such, look to the sovereign, are somewhat less factional than they were, but they are rather a mob than an army, and must, I think, fall either to the aristocratic or Jacobin side of the question.

In the midst, however, of all these confusions, what with confiscating the church property, selling the domains, curtailing pensions, and destroying offices, but especially by that great liquidator of public debts, a paper currency, this nation is working its way to a new state of active energy, which will, I think, be displayed as soon as a vigorous (government makes itself acknowledged. The intervening confusions will probably call forth men of talents to form such Government, and to exert its powers.

In a letter I had the honor to write on the 29th of November, I mentioned a treaty made between the Baltic Powers, and whether I did it from information or conjecture, but it was in my mind and still continues there. While in England, waiting at Whitehall for the Duke of Leeds, who was accidentally prevented from keeping my appointment, I had a long conversation with Mr. Burgess, who seemed desirous of convincing me that he was an efficient man in the office of foreign affairs. I asked him whether such treaty existed, insinuating that he must certainly be informed of every movement in that, as in every other quarter. He assured me positively that it did not; but that assurance did not alter my opinion. Indeed the object of my question was to discover whether they were at all upon terms with Sweden, and from what afterwards passed, I am persuaded that they are not. I must add, that my interview with him had been answered in the same way, but yet I hope that such a treaty exists. He spoke good of all of the convention with Spain, and I declared freely my opinion, which being favorable to the administration, I drew him from in support of it a history of the negotiation. It ended (as he said) in this remarkable manner: The Count de Florida Blanca, upon hearing of the revolt of the French marine, told the British ministers that he had given his consent to the revolt, and that he would never sign the treaty, unless I wished to be a witness of it, and I should be present before I could be a witness of it, and I should be present.

I am delighted with the account you give me of our public affairs. There can be no doubt that a publication of the census, and a clear state of our finances, will impress a sense of our importance on the statesmen of Europe. We are now getting forward in the right way, not by little skimming advantages of political manoeuvres, but in a solid column of well founded and active measures; like Fotherbury's screw, which you doubtless remember, by every turn we shall now gain and hold what we get. It is no evil that you should have a little of the old leaven. I have always considered an opposition in free governments as a kind of outward conscience, which prevents the administration from doing many things through inadvertence which they might repot of. By these means both men and measures are sifted, and the parties are prevented from being able to say about a matter, as of being right, confused and contradictory, by the good opinion of society. I expect, and am, indeed, certain, that this good opinion will live with you during life, and follow weeping to your grave. I know you will continue to deserve it, and I hope you may long live to vex your enemies by serving your country. I am, &c.

To GEORGE WASHINGTON, President of the United States.

DEAR SIR: I have the honor to enclose a letter, and sundry papers relating to it, from Messieurs Siweizer, Jeanners, & Co. I trust you will forward these gentlemen to Mr. Short, telling them that it is most fitting in many respects that they should apply to him.

As it is possible, however, that this business may come before you, I think it a duty to convey some observations which occur to me, and which may not perhaps strike you, because matters of that sort have not, I believe, much occupied your attention. Previous thereto I beg leave, however, to give you a history of my acquaintance with it. In a letter to Colonel Hamilton, of the 31st of January, 1790, I mentioned what had passed between M. Necker and me respecting the debt due by the United States to France, and I hinted the means of turning to useful account a very large sum. This public agency has been long sought for, and various persons have slighted the advantage of it. The British ministers, by which I mean the Jacobins, and although I by no means consider that in the light of an appointment to office, yet, from motives of delicacy, I determined to extricate myself from the affairs of the debt, as speedily as I could with propriety. Various applications were made to me from different quarters, to which I replied evasively; but on my arrival here, I found myself thrown into circumstances which made it appear to me necessary to hold any share in the speculation. I conversed with Mr. Short on the same subject, and communicated to him confidentially my reasons for declining an interest, as well as my opinion respecting the use which might be derived from such negotiation.

Two or three days after, the President of the Committee of Finance, happening to meet me at the Convent de Montmorin's, mentioned some proposals then before them, which to the best of my remembrance were extravagant. I declined giving an opinion without previously seeing and considering the terms, upon which he and M. de Montmorin agreed, and I told him that no one could know what the joint effect of any single clause might be. I observed that he had not submitted them to my examination. Here the thing dropped, and the enclosed papers show the reason why: for it appears from them that a bargain was made shortly after by the Contrôleur Général with a different company. Mr. Short mentioned this to me on his return letter in the end of March, telling me that the parties concerned were, as he was informed in the letter of the original of the contract, nor capital. I of course agreed with him in opinion, that, if so, it was not worth while to listen to them.

A few days after one of them called on me, and after giving a history of the affair, begged me to make use of my influence in the debt. I told him at once that it was ridiculous to ask a concession of such heights on the part of our debt. That it was quite as convenient to owe France as to owe the subjects of France; and further, that before any treaty was offered, persons of credit and capital should appear. As soon as I made this last observation, he drew out the letter of the Comptroller General, and showed me the clause of it, replied, that, after what was
First, it is questionable whether our reputation may not be a little affected: for you will recollect that about one-third of our debt to France arose from a loan made on our account in Holland of five millions of florins, for which the King paid us here ten millions of livres, without any deduction for charges of any sort. The nation is now obliged to pay this five millions in Holland, and for us to borrow that amount there, and then squeeze them into an exchange, which distresses both their commerce and finances, looks hard. There was a good deal of murmuring about it at the time; some consolation might be drawn out of it, but at present the nations are surprised at so much patriotism, by way of showing his zeal, should make a violent attack in the Assembly when the next payment is made. There are many of these patriots, who, if they can incite ministers and distress those of different sects, punish them with a jettison, are a jot for the advantage of individuals. But supposing this not to happen, it is not possible for a nation to make the advantage which individuals do in such things, because they must employ individuals, each of whom will be too apt to look a little to his own advantage. There is a difference also between the gain made upon parts, and that which would arise on the whole; for even if we could borrow all at once so large a sum at a low price, and afterwards negotiated in Europe. Neither is that all: for, if we can borrow at five per cent, and buy up our six per cent, debt at par, we gain at once by that operation one fifth of the interest, or twenty per cent, which, besides all the other good consequences, is much more than we ever shall get by any management of our debts on this side of the Water.

I have given you, my dear sir, these hints in abridgment, because my time will not admit of dilating them; attribute them, I pray you, to the true causes, and believe me always very sincerely yours,

GEORGE WASHINGTON, President of the United States.

General Washington to Governor Morris.

Philadelphia, July 28th, 1791.

DEAR SIR:
The communications in your several letters, relative to the state of affairs in Europe, are very gratefully received. I am much embarrassed to them, and have been obliged to take mine eyes off the many public duties, which are at all times sufficiently numerous, being now much accumulated by an absence of more than three months from the seat of Government, make the present a very busy moment for me.

The change of systems, which have so long prevailed in Europe, will, undoubtedly, affect us in a degree proportioned to our political or commercial connections; but the severe crisis of war, to which we are too far lose sight of our own interest and happiness as to become, necessarily, a party in their political disputes. Our local situation enables us to maintain that state, with respect to them, which otherwise could not, perhaps, be preserved by human wisdom. The present moment seems pregnant with great events; but, as you observe, it is beyond the ken of mortal foresight to determine what will be the result of those changes, which are either making, or contemplated, in the general system of Europe. Although as fellow men we sincerely lament the disorders, oppressions, and incertitude, which frequently attend national events, and which our European brethren must feel, yet we cannot help rejoicing in favor of this important event. We cannot but feel that it will be favorable to this country, I have no doubt for under the former system we were seen either in the distresses of war, or viewed after the peace in a most unfavorable light through the medium of our distracted state. In neither point could we appear of much consequence among nations. And should affairs continue in Europe in the same state there is much probability of finding impressions respecting us were received, it would not be an easy matter to remove the prejudices imbibed against us. A change of system will open a new view of things, and we shall then burst upon them, as it were, with redoubled advantages.

Under the present state of affairs, form connexions, other than we now have, with any European Powers, much must be considered in effecting them, on the score of our increasing importance as a nation and at the same time, should a treaty be formed with a nation, whose circumstances may not at this moment be very bright, much delicacy would be necessary in order to show that no undue advantages were taken on that account: for unless the last are mutually beneficial to the parties, it is vain to hope for a conclusion of such a nature.

In my late tour through the Southern States, I experienced great satisfaction in seeing the good effects of the General Government in that part of the United States. The people at large have felt the security which it gives, and the equal justice with which it administers to them. The farmer, the merchant, and the mechanic, have seen their several interests attended to, and from thence they unite in placing a confidence in their representatives, as well as in those in whose hands the execution of the laws is placed. Industry has there taken place of idleness, and economy of dissipation. Two or three years of good crops, and a ready market for the produce of their lands, have put every one in good humor and in some instances they even impute to the Government what is due only to the goodness of Providence.

GEORGE WASHINGTON.

Philadelphia, July 28th, 1791.
The establishment of public credit is an immense point gained in our national concerns. This, I believe, exceeds the expectation of the most sanguine among us. And a late instance, unparalleled in this country, has been given of the confidence reposed in our measures, by the readiness with which the subscriptions to the Bank of the United States have been raised. In two days, during a mere book-week, the subscription for the whole of the capital of five hundred millions of dollars, for the maximum of the share, was taken up, and four thousand more applied for than were allowed by the institution; besides a number of subscriptions which were coming on. This circumstance was not only pleasing, as it related to the confidence in Government, but as it exhibited an unexpected proof of the true opinion of the public credit, relative to the number of the inhabitants, which would probably be found in the United States on enumeration, was too large. The estimate was then founded on the ideas held out by the gentlemen in Congress of the population of the several states, each of whom, (as was very natural) looking through a magnifying glass, saw in the smallest object the object which he himself had seen. The most rash of these figures has been, as there can be no doubt that the operations of the census have already been made from several of the States, and a tolerably just estimate has been now formed in others; by which it appears that we shall hardly reach four millions; but this you are to take along with it, that the real number will greatly exceed the official return; because, from religious scruples, some would not give in their lists, from the opinion held of the census and of the enumerator, others would; and, from the indulgence of the mass, and want of activity in many of the deputy enumerators, numbers are omitted. The authenticated number will, however, be far greater. I believe, than has ever been allowed in Europe; and will have no small influence in enabling them to form a more just opinion of our present growing importance, than has yet been entertained.

This letter goes with one from the Secretary of State, to which I must refer you for what respects their paper; and I shall only add to it the repeated assurances of regard and affection, with which I am, dear sir, your obedient and obliged,

G. WASHINGTON.

Paris, September 30th, 1791.
composed, and as they will have learnt that fear can produce what reason could not, I do expect that, at length, this Government must come into such some measure, and thereby not only the stumbling block will be taken out of the way to a useful treaty between France and the United States, but, at the same time, and by the same means, the road will be opened for solid connexion with Great Britain.

In all cases, we have the consultation, that, as the Powers of Europe, by their excluding principles, deprive of the needful vent for our produce, which becomes daily more and more abundant, we shall, from the cheapness of living, and the want of certain requisites, must be great and rapid progress. This alone is wanting to complete our independence. We shall then be, as it were, a world by ourselves, and, far from the jars and wars of Europe, their various revolutions will serve merely to instruct and amuse—like the roaring of a tempestuous sea, which, at a certain distance, becomes a pleasing sound.

Dear Sir: You may be well and happy is the sincere wish of yours, &c.

GOUVERNOR MORRIS.

To GEORGE WASHINGTON, President of the United States.

FRANCE.

PARIS, December 27, 1791.

Dear Sir: Your favor of the 18th of September reached me a few days ago. As to the state of things here, I would convey to you, as fully as propriety will admit, but I know not yet by what opportunity this letter will go, and the post office was never more abused under the last despotisms than it is at present, notwithstanding the desertion of the authorities. Every letter I receive bears evident marks of patriotic curiosity. This anxious spirit of pettifogging villany proves the fear of those who make use of it; and truly they have reason to fear, for every day proves more clearly that their new constitution is good for nothing.

These are my feelings, and judges were prepared, endeavor, now that it is too late, to lay the blame on others by way of excusing themselves; but the truth is, that, instead of seeking the public good by doing what was right, each sought his own advantage by flattering the public opinion. They dare not now propose the amendments which they perceive and acknowledge to be indispensable. They have, besides, no confidence in each other; and every one feels a reason against it, and meets moreover with daily proofs that their copartniers are not better than himself.

The Assembly (as you know such bodies will naturally suppose) commits every day new follies, and if this unhappy country is not plunged anew into the horrid abyss, it is not by the want of a master stroke to that effect. They have resolved to attack their neighbors, unless they dissipate the assemblies of French emigrants who have taken refuge in their dominions. These neighbors are members of the German empire, and France threatens to carry into their country, not fire and sword, but la libertie. Now, as this last word does not, in the acceptance of German courts, mean so much liberty as insurrection, you will see that the pretext is given for hostilities without violating the law of nations.

Add to this, that three French armies of fifty thousand men each are ordered to assemble on the frontiers. One under the command of Moreau, the flander; one under our friend Lafayette, in Lorraine, so as to pene-

D E C E M B E R 31.

A courier arrived last night with despatches, which are to be communicated to the Assembly this morning. The Emperor informs the King that he has given orders to General Beuler, who commands in the Low Countries, to protect the electorate of Treves with all his forces. I did not mention, as I ought to have done, that the courts of Berlin and Vienna have concluded a treaty for the protection of the German Empire, and maintenance of its rights. This explained the intrigues of France, and the determination of the Diet respecting the claims of those princes who have certain feudal rights preserved to them by the treaty of Westphalia in Alsace and Lorraine, if the King. The King that the dominion of France over those provinces is conceded by that treaty. The Dutch Government has proposed a treaty with the Emperor, as sovereign of the Low Countries, for mutual aid and protection, in case of any attack on their territories, which was accepted in principle.

All this is explained by the intrigues of France to excite revolt in Holland and Flanders; and the completion of such a treaty will place the Emperor at ease, should he be operative against this country next spring.

I am, &c.

To GEORGE WASHINGTON, President of the United States.

GOUVERNOR MORRIS.
The chiefs of the *jacobins* were violent, for two reasons: First, that the *quatre-vingt-neufs* would not join withoutuberance heart and when forced to take head alone, they were obliged to use the populace; and therefore to sacrifice to the populace: Secondly, that the more the desire were much greater, though remote, than those of the other party: for these last have never sought, in the revolution, any thing else to place to place comfortably: whereas the *jacobins* did really, at first, desire to establish a free constitution, in the example of a free state, to the heart of the nation.

The aristocrats, you will observe, were reduced to insufficiency before the others divided. Thatayou know, is a thing of course. You will remember, that the first Assembly had decreed that their members could neither hold any office under the crown, nor yet been chosen to represent them. These decrees were partly the fruit of opposition, partly that of necessity, these resolutions in the head of the nation.

The first decree was of jacobin parentage, to disappoint their enemies, who were upon the point of succeeding to office. The second decree was carried against the secret inclinations of both. But the consequence was, that each was seriously disappointed: and, as the constitution was clearly unable to sup-port itself, they began to perceive that its ruin might involve their own; and, therefore, they formed a coalition, in which each determined to make use of the other for its own purposes.

But you will say, perhaps, that both together would be of little use; and this is true in a degree: for if the consti-tution had been a practicable thing, those alone who were in power under it could have any effect. But this was not the case; and therefore the plan of the *altes* was to induce a belief, in the court, that they alone had sufficient population in the nation to preserve the monarchical authority against the republic party; and, on the other hand, to convince the Assembly that (having in their hands the royal authority) all favor, offices, and grants, must be given to that body. Thus they constituted themselves, if I may be allowed the expression, the government brokers of the nation.

I have mentioned the *republican* party. This naturally grew up out of the old jacobin sect; for, when the chiefs, finding they could not induce a movement to go off, attempted a movement to the contrary, the whole of the human, or of his own error, many of their disciples, who believed what their apostles had preached, and many who had the establishment of order the loss of their consequence, determined to throw off all submission to crowned heads, as being unworthy of a free people.

Add to this the number of "moody beggars starving for a time of pell-mell havoc and confusion." It was this coalition which prevented the King from accepting the constitution in a *mondy* manner: pointing out its capital faults; marking the probable consequences; calling on them to reconsider its; and declaring that his submission to their decisions arose from his belief, that it was the only means to avoid the horrors of civil war. They saw that this fact would render them responsible; and although it was the most likely means of obtaining a good constitution, at a future day, and would have bound the King down to the principles he should then advance, yet they opposed, because such a good constitution would be established, not only without, but even against them, and for the benefit of their foes. The result was, that the King, with a spirit of that kind of acceptance which I have just mentioned, but he was borne down; being threatened with popular com-motions, fatal to himself and his family, and with that civil war which he most wished to avoid, as the necessary result of such fatal combinations.

Shortly after its acceptance it became necessary to appoint another Minister of Foreign Affairs, Monsieur de Montmorin having insisted so strongly on retiring that the King could not longer, with any propriety, ask him to stay. The state of the ministry was then as follows: Monsieur Dupont, the Keeper of the *seals*, a creature of, and sworn ad-venturer to the *tribunat*; which 동其间 비로는 another Dupont, Barnave, and Alexander Lamouret, being the chiefs of the old jacobins. I say the old jacobins, or the present.* The *seals* constantly communicated everything that passed in council to his coadjutors. The Minister of the Interior, Monsieur Delessart, was a wavering creature, one of whom Shakespeare says that they "stirre, affirm, and turn their heads like hares."

It was, therefore, of the greatest importance for the King to have a man of strength and ability to make his way. This was brought forward by him, and had connected himself with the *tribunat*; M. Necker's enemies, as being the strongest party, but still kept up a good understanding with the others.

Dupont, the Minister of War, of whom I formerly spoke to you when he was appointed, and foretold the con-sequence which must result from his adherence to the allies and as also completely subservient to the *tribunat*. But at that time he was so much embroiled with the Assembly, that his speedy resignation seemed unavoid-able.

Monsieur Bertrand de Moleville had just been appointed to the *marines*—an office which Monsieur de Bonneville himself had before held. But it was added to his *jacobin* rights, which he disdained in order to serve the King that he would not be a member of a ministry, many of whom he knew to be unfaithful to him. Monsieur Bertrand was brought forward by the same influence; but he is really attached to the crown: wishes ardently to obtain a good constitution for his country; is an intelligent, sensible, and laborious man, formerly of the robe, and the particular friend of Monsieur de Montmorin.

I mentioned to you, formerly, that Monsieur de Choiseul had refused the office of Foreign Affairs. While it was in question who should be appointed to succeed Monsieur de Montmorin, the King, of his own head, named the Count de Moustier, and wrote him a letter on the subject, which de Moustier has since shown to me. He had the honor to say:--"The King having written until half past eight in the evening to the Count de Moustier, the minister of the city, the King told him that he could not give him the office, because he was considered as an aristocrat. You will observe that the coalition had been at work to get rid of him, and here I must make a digression. The plan was, that, as soon as circumstances would admit, a minister at war should be appointed, faithful to the King, and that Bou-gainville take the *marines*; Bertrand be appointed Keeper of the *seals*; and Delessart either kept in, or turned out, as he should behave. This plan was not known to the coalition at all; but they well knew, that, if de Moustier got into place, it would be a step towards the destruction of their influence and authority. They therefore assured the King that he could not longer rely on Moustier; however far Moustier may have been, they brought out of touch in the Assembly, and the like; so that at last he gave up his nomination, and explained the matter to de Moustier. A long interregnum ensued in that office, and as Monsieur de Montmorin absolutely continued to refuse any longer, the King considered that de Moleville was the most proper person, and set out to the States, of which he was a member.

He accepted, in the belief of two things, in both of which he was mistaken. One, that he had the confidence of the King and Queen; but he had never taken the right way to obtain either their confidence, or that of others. The second article of his creed was, that the *tribunat* (his patrons) commanded a majority in the Assembly. He was much deceived; for he never pointed out the necessity of these circumstances, Monsieur de Baronne tried hard to obtain that place; and, as I have mentioned his name, and that of Monsieur de Choiseul, I will, in this place, mention that of the Abbé de Perigord, afterwards Bishop of Autun. These three were young men of high family, men of wit, and men of pleasure; the two former were men of ambition, but had spent it. They were intrusted with the charge of organizing a new army, there had been a great deal of ambition together, to retrieve their affairs. On the score of morals neither of them is exemplary. The Bishop is particularly blamed on that head; for the varie-
ty and publicity of his amours, for gambling, and, above all, for stock-jobbing, during the ministry of Monsieur de Calonne, with whom he was on the best terms; and, therefore, had opportunities which his enemies say he made no small use of. However, I think that, except his gallantries, and mode of thinking, rather too liberal, his public character and executive powers of the Minister of France that he should stay for three years longer in that city. In the beginning of the revolution, Narbonne, a great anti-Viceroyist, was not a little opposed to it, and there was, afterwards, some coldness between him and the Bishop, partly on political accounts, and partly because he (in common with the rest of the nobility) believed the Bishop a dangerous man. He was, however, length removed, by the death of his brother, a common friend, and the Bishop labored hard to get his friend de Narbonne appointed to the office of Foreign Affairs; but the King would not agree to it. M. Delessart was, therefore, appointed, he being very glad to get rid of the Bishop, who had apprehended too much, perhaps, of power, for his taste.

The next step was to bring Monsieur de Narbonne forward to fill the place of Monsieur Duportail, and to this M. Delessart gave his hearty assistance, by way of compensating for the disappointment in the other department. Finally, the Interior, or Home Department, was filled by a Monsieur Calier de Gerville, of whom I know very little. I shall not say anything necessary to the understanding of my history.

This ministry stands then divided as follows. The Keeper of the Seals and M. Delessart are attached, or supposed to be so, to the Lameth faction; Monsieur de Narbonne and Monsieur Bertrand are supposed to be attached to the quarte-vingt-neufistes; and M. de Gerville, rather leaning to the Lameth faction. This ministry, externally disappointed in itself, and strongly opposed by the Assembly, possesses, on the whole, but a moderate share of talents; for though Count de Narbonne is a man of wit, and a very pleasant lively fellow, he is by no means a man of business; and though M. Bertrand has talents, yet, according to the old proverb, one swallow never makes a summer.

It is with every precaution that the constitutionists, without any whole, are, of many, so indiscreet as to disclose that opinion, when, at the same time, they declare their determination to support and execute it, which is, in fact, the only rational mode which now remains, of pointing out its defects. It is unnecessary to tell you, that some members of the National Assembly are in the pay of England, for that is a matter not to be one side of another; and all these are in the pay of France, and of her enemies, and of other motives I know not his conduct tends to injure his own country, and benefit that of their ancient foes, in a very great degree. The sincerity of their finances is such, that every considerate person sees the impossibility of going on in the present way; and as a change of system, after so many pompous declamations, is not a little dangerous among a people so wild and ungrateful, it has appeared to them that a war would furnish some plausible pretext for measures of a very decisive nature, in which state, necessity will be urged in the teeth of policy, humanity, and justice. Others consider war as the means of obtaining, for the government, the consent and control of the nobility, the newly created force, which may be used to restore order; in other words, to bring back despotism; and then they expect that the King will give the nation a constitution which they have neither the wisdom to form, nor the virtue to adopt, for themselves. Others again suppose, that, in case of a war, there will be such a leaning from the King towards his brothers, from the Queen towards the Emperor, and such a scarcity of noble families (the very few) who remain, towards the family of their brethren, who have left the kingdom, that the sad success natural to arise from the opposition of undisciplined mobs to regular armies, may be easily imputed to treasonable counsels, and the people be prevailed on to banish them from the country. This is the aristocracy's way of defending the last of very ancient, many of them poor, and all of them proud, hope that, supported by foreign armies, they shall be able to return victorious, and re-establish that species of despotism most suited to their own cotiparity.

It happens, therefore, that the whole nation, though with different views, are desirous of war: for it is proper in such a state of affairs, when public opinion has taken a turn in the spirit of the country, which has never been better. I have told you, long ago, that the Emperor is by no means an enterprising or warlike prince. I must now, in confirmation of that, inform you, that, in the famous conference at Plunitz, he was taken in by the King of Prussia: for he came prepared to haggle about the nature and extent of the saccor to be given, and forces to be employed, but the King cut the matter short by telling him, that the difference in the extent of their respective dominions, and a variety of other circumstances, would justify him in demanding greater efforts on the part of the Emperor, but that he would meet him on ground of perfect equality. In consequence of this, the Emperor was obliged to accede, but he did so in the way most favourable to do nothing.

When, therefore, the King accepted the constitution, he chose to consider as a reason why foreign Princes should not interfere, the King of Prussia, however, gave to the King personal assurances of his good will and brotherly attachment, and, of this, offered substantial proofs. The King's true interest (and he thinks so) seems to incline him to this very policy; but it is to be seen if, by acting in this manner, he will be able to extricate the necessity of restoring, in a great degree, the royal authority. The faction opposed to him are very sensible of this, which forms an additional reason for driving every thing to extremity; and, therefore, with a view to destroy the constitution, the aristocracy have imagined to court the alliance of Great Britain and of Prussia. In consequence, the Bishop d'Auon has been sent to England, and, if any information be good, is authorized to propose the cession of the Islands of France and Bourbon, and the island of Tobago, as the price of an alliance against the Emperor.

The present opportunity to break the family compact with Spain, which has long been coveted by Britain: for it is evident that this country will not embark in a contest which is to do France any good, and, therefore, the game of Mr. Pitt is as clear as the sun, and suits exactly his temper and disposition. He has only to receive the offers made, and send copies to Vienna and Madrid, by way of supporting his negotiations, particularly with the latter. He can, by telling them, that the guarantees of their dominions, and rights against the hands of the nation, and, by this means, we should find ourselves all at once surrounded by hostile nations. The Minister of the Marine opposed violently, in council, this mission; stated the consequences, and obtained some useful restrictions. M. de Warville proposed, in the Diet, to send a minister to England, who shall make the most advantageous engagements she might take. You will judge, from this specimen, of the wisdom and virtue of the faction to which he belongs, and I am sure the integrity of your heart will frown with indignant contempt, when I tell you, that, among the chiefs of that faction are men who owe all their present personal emolument of the kingdom.

This mission of the Bishop d'Auon has produced something like a schism in the council. The party of Lameth and Barnave are strongly opposed to it. M. Delessart, who had adopted the scheme on the representation of the Bishop (with whom it originated) and his friends, abandoned it on the representation of the others, and two or three days after was sent to assure the Emperor, that, at the present moment, appearances, they meant him no harm. In effect, they were thrown in the way of the execution of the national plan which was set on foot about three months ago, by those who afterwards fell into the plan of an alliance with Britain. You may judge, from hence, how much dependence is to be placed on these new false statements. The heads of the ministry have taken the inmost part of the measures; I have from you, the last time I had any assurance of the movements to the King and of Spain. A confidential person has desired me to assure you, on their behalf, that they are very far from wishing to change the system of French politics, and abandon their old allies, and, therefore, if you make to take, of the present advantage of Spain, that you will consider them as originating merely in the madness of the moment, and not as intended any approach to them in any other shape than what is termed the truey. I shall send this letter in such a way as promises the greatest safety, and I must entreat you, my dear sir, to destroy it, for fear of accidents; you will feel how important it is to them, that this communication be not disclosed. It is merely personal from them to you, and expressive of sentiments which can have no action until they have some authority.
It is time to close this too long letter, whose object is to possess you of that interior machinery by which outward movements are directed. Believe always, I pray, in the sincerity of those sentiments with which I am yours,

GOVERNEUR MORRIS.

DEAR SIR:

I had the honor to write to you on the 4th of last month. Two days after, I was informed that you had nominated me as minister to the court of France, but the latest advices from America, which come down to the 10th of January, show that the Senate had not then made their decision. Be that decision what it may, I shall ever greatly esteem the confidence which you are pleased to acknowledge this mark of confidence from the person in the world whose good opinion I consider most estimable.

In my letter of the 4th, I gave you a picture of the French ministry, and a view of the measures pursued by different parties, including the mission of the Bishop d'Autun. As he has now got back to Paris, it may be well to communicate my receipt of that letter; in propria persona, for the news of the 4th seems actually to have preserved the same characters of the French ministry, that which I informed you of last month, and there can be no apprehension at the scenes acting in France, of which they consider him as a prime mover. Secondly, that his reputation is offensive to persons who pique themselves on decency of manners and deportment. And, lastly, because he was so imprudent, when he had the commission to prevent discontents, by keeping company with leading characters among the dissenteres, and other similar measures, he renewed the impression made before his departure from Paris, that he meant to intrigue with the discontented. His public reception, however, furnishes no clue to decide on the success of his mission, because the former might have been very bad, and the latter very much.

The fact, however, is, that he could offer nothing worthy of their acceptance, and that what he asked was of a nature not to be granted. His offer was confined to the cession of Tobago, a demolition of the works of Cherbourg, and an extension of the commercial treaty. He asked a strict neutrality in case of war with the Emperor. Now, you may have been surprised that such contempt should be shown to a minister in whose presence, so far as you can promise, in her name, otherwise than as god fathers and god mothers do at a christening; and how such promises are kept every known body.

Convinced of this, the bishop never told his errand to Lord Gower, the British ambassador at Paris, who mentioned that circumstance to me as extraordinary, but yet so far agreeable as that he was glad not to have been called on for letters of introduction.

Respecting Tobago, it makes a digression. It is now a long time since it was mentioned to me in Paris, that some of the colonists of St. Domingo had come hither to make overtures to Mr. Pitt. Since that period, I learnt that there were no persons in the French ministry, either for or against the extension of the French boundary into St. Domingo, but that he was in deep intrigues with regard to that colony. The particular proofs were not shown to me, so that I cannot speak positively. Neither can I vouch for what I have learnt further than that subject within this month, but I am assured that it is Mr. Pitt's intention to bring about, if he can, the independence of St. Domingo. Mr. Clarkson, the great negro advocate, is mentioned to me as his agent for this business at Paris, and the conduct of a part of the Assembly, in opposing succor to that island, seems corroborative of such an idea. This, then, being the case, or supposing it to be so, the offer of Tobago was too trifling to attract Mr. Pitt's notice, even if unconcerned, and certainly much less so if it was made to him in face of the adoption of his plan respecting St. Domingo. And I learn from another quarter, that he means to offer us his mediation for a peace with the Indians. If all this be true, his game is evident. The mediation is to be with a price for adopting his plans, and with the Indian tribes a means of constituting himself their patron and protector. It may be that all this was the desire of the quadrant, and the pretenses for military colonization of the upper country, and, above all, what may come from Mr. Hammond.

I return to St. Domingo. If such be Mr. Pitt's scheme, although we shall not, I presume, engage in, or countenance it, yet the success will be entirely for our advantage, and a mere preliminary to something of the same sort, which must happen to Jamaica, on the best change of wind in the political world. The destruction of the port of Cherbourg is no present object with the British ministry, because they suppose it will be ruined by the elements before it can be completed; and because the French marine is, from the want of discipline, an object more of contention than of competition. The present condition of the French colonists is, that every part of France is open to contraband commerce, and because there is little reason to believe that the stipulations in a treaty now made would be of any long duration.

Thus it happens that neither of the objects offered were worthy of notice. But the neutrality required was of a much higher importance. By leaving the Canoe Low countries exposed to French invasion, it would have been a violation both of ancient of and recent treaties. Nor is this all: for (as I have already had occasion to remark) the annexation of those provinces to the French monarchy would prove almost, if not altogether, fatal to Great Britain. And I have never considered that they are almost in revolt already, and that it is in fact the revolution in France itself which, with France, there is reason to suppose that a union might have been effected, in case of a war with the Emperor.

So much then on the ground of good faith and good policy. But there is still a farther cause, which, as the world goes, may be equal in its operation to all others. It seems to be a most point whether it is the British or the Prussian cabinet which directs the other. Perhaps there may be a little of both; but be all that as it may, it is certain that neither feels disposed to counteract the views of its ally, in any open manner. Now, putting aside the personal feelings which naturally agitate the sovereign of this, as well as of other kingdoms, in regard to the French revolution, it is notorious that, from the very dawn of it, agents were employed to foment a spirit of revolt in other States, particularly in Prussia. The King of Prussia, therefore, feels for the French revolutionists all the enmity of a proud, passionate, and offended German Prince. Add to this, that the Elector of Hanover, as such, cannot wish for a change in the government of Germany. If, therefore, it had been the interest of Great Britain to establish such a government in France, (which it certainly is not) I am perfectly convinced that this court would never have made a single effort for the purpose.

I stated to you, in my last, that the French ministry are extremely disjointed. It was too much so for any durable existence besides which, the members took effectual means to precipitate each other's ruin. M. de Narbonne wished to get into the office of foreign affairs. This was desirable to him, it is said, on many accounts, but particularly so because it gives the command of large sums without account. Whatever may have been his motives, the following seems to have been his conduct: He stood forth the advocate of all violent measures. This was naturally the appearance amongst the party of men, not so with the Asterley. He associated himself to the partisans of democracy; and while, by these means, he secured himself against their fanatics, he took great care of his pecuniary affairs. This, at least, is affirmed to me, and with the addition that he had the impediment to pay off his debts, although it is notorious that his estate (which is in St. Domingo) is among those which are laid waste. It is probable that according to thisj the court now conspired to displace him, or at least to make himself as useful as possible to themselves in the road to ruin, he agreed to compensate the depreciation of the assignats. In order to remove a great obstacle to his proceedings, he joined in the intrigues against M. Bertrand; and, at the same time, fostered other intrigues against M. Delessart, with a view of getting his place. The proofs of all these things are said to be in the King's hands.

M. Delessart's conduct I have already, in part, communicated. I must add that, afterwards, imagining that Brissot, de Warville, and Condorcet, were omnipotent in the Assembly, he violated their engagements made with the Tramvire, and wrote some despatches confederally to the views of those two gentlemen. In consequence whereof, it was resolved to displace him, and they were looking out for a successor. The person applied to was actually dehberating whether he should or should not accept, at the moment when Brissot brought about his impeachment and arrest. In this same moment M. de Narbonne was dismissed, and with him was to go M. de Gerville. The
Chevalier de Graeye succeeds M. de Narbonne. When I left Paris he was attached to the Triunvirate. He does not want understanding, but I think it almost impossible that he should succeed. Monsieur Bertrand, against whom an address from the Assembly was at length carried, has, I find, resigned. There is something at the bottom which I cannot discover, without being on the spot, but you may rely on it he goes out with the full confidence of the King and Queen.

My informations from Paris are previous to the news of the Emperor's death, which has probably occasioned the violent proceedings against poor Delessart, by removing the fears of those who, in the midst of all their big words, were confoundedly frightened. What may be the consequences of this event, it is impossible to determine, or even to conjecture. Much, very much, depends on the personal character of his successor, which I am not yet acquainted with.

It is supposed by some here that Mr. Pitt is not strong in the cabinet at present, although the majority in Parliament was never more decisive, and this is said to arise from his refusing to ask money for the payment of the Prince of Wales's debts, which the King, it is said, was desirous of, and which his minister declined with some offensive expressions. Mr. Pitt's friends insist, on the other hand, that the whole story is false from beginning to end. For my own part, I do not think he will be turned out, because I believe him to be very cunning and, although he has conducted foreign affairs but poorly, he manages all the little court and parliamentary intrigues with consummate address.

To GEORGE WASHINGTON, President of the United States.

GOUVERNEUR MORRIS.

LONDON, March 21, 1792.

DEAR SIR:

Yesterday I was informed that the Senate had agreed to your nomination of diplomatic servants. If I knew my own heart, this intelligence is far less agreeable to me on my own account than on that of the public. I am sure that a rejection, from whatever cause it may have arisen, would have been attributed to disunion in our counsels.

I find that the King of France has appointed to the Office of Foreign Affairs a Monsieur Dumouriez, and that it is considered as a sacrifice to the Jacobins. He is a bold, determined man. I am not acquainted with him personally, but I know that he has long been seeking a place in the administration, and was, about six months ago, determined to take the peril of his life, the Jacobins and all other clubs, and to effect a change in the Government. How far he may have changed his opinions since, I will not pretend to tell you, I mention this to you now, because, when I know more, I can refer to this letter, and say, that, by coming into office, he has not changed his sentiments, if he persists in those his ancient determinations. If not, I will tell you, that he is more prudent than was supposed. And these words will, in either case, mean nothing more than is here set down for them. The King consulted him (as I was told by my confidential friend, in the middle of last October) on the state of affairs, when M. de Montmorn went out; but the high-toned measures he proposed were not adopted.

To GEORGE WASHINGTON, President of the United States.

GOUVERNEUR MORRIS.

PARIS, June 10, 1792.

MY DEAR SIR:

Although I have been above a month in this city, I have not been able, until within a day or two, to make up my mind as to the sentiments of the person mentioned to you in mine of the 31st of March, or rather I could not obtain that certainty which was needful, before I could properly mention them to you. I can now venture to assure you, that by coming into office he has not changed his sentiments.

My former letters have mentioned to you the discipline of the French armies, and the public prints will give you such facts on that head as may tend to making up in your mind a sound judgment as to future events. The first step towards bankruptcy has already been made, by extending to seventeen hundred millions the sum of assignats, which may be in circulation. A further extension must take place in a few days. The Powers combined against France have it, therefore, in their choice to wear her out by a war of resources, or dash into the heart of the country. This last will best suit with their own situation; but I do not think they will advance before the beginning of August.

Your letter to the King has produced a very good effect. It is not relished by the democrats, who particularly dislike the term "your people," but it suits well the prevailing temper, which is monarchical. The Jacobins approach to its dissolution, as you may perceive by its agitators. In fact, the deliberations are so absurd, and so extravagantly wild, that they daily furnish new arms to their enemies. You will perceive, at a glance, that this is not a moment for making commercial treaties. I shall however, do all that I can, without seriously compromising our future interests.

I am, &c. GOUVERNEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

General Washington to Gouverneur Morris.

PHILADELPHIA, October 20, 1792.

MY DEAR SIR:

Although your letter of the 14th of June, which I have received, did not paint the prospects of France in the most pleasing colors, yet the events which have since taken place gave a more gloomy aspect to the public affairs of that kingdom than your letter gave reason to apprehend.

A thousand circumstances, besides our distance from the theatre of action, made it improbable that we should have intelligence of any important facts and causes through the medium of the public prints; and I have received no other accounts than what have come in that channel. But, taking up the most favorable of these, glorified indeed, appears the situation of France at this juncture. But it is hardly probable that even you, who are on the spot, can, with any precision, how these things will terminate; much less can we, at this distance, pretend to augur the event. We can only repeat the sincere wish, that much happiness may arise to the French nation, and to mankind in general, out of the severe evils which are inseparable from so important a revolution.

In the present state of things we cannot expect that any commercial treaty can now be formed with France; but I beg of you to embrace the proper moment of arrangement, and of doing whatever may be in your power for the substantial interest of our country.

The affairs of the United States go on well. There are some few clouds in our political hemisphere, but I trust that the bright sun of our prosperity will dispel them.

The Indians on our western and southern frontiers are still troublesome, but such measures are taken as will, I presume, prevent any serious mischief from them; I confess, however, that I do not believe these tribes will ever be brought to a quiescent state, so long as they may be under an influence which is hostile to the rising greatness of these States.

From the complexion of some of our newspapers, foreigners would be led to believe that invertebrate political disensions exist among us, and that we are on the very verge of disunion; but the fact is otherwise. The great body of
MY DEAR SIR:

Yours of the 21st of June is at length safely arrived. Poor Lafayette! Your letter to him must remain with me yet some time. His enemies here are as virulent as ever; and I can give you no better proof than this, that the King's papers was found nothing of what his enemies wished and expected, in correspondence with M. de Lafayette, which breathes from beginning to end the purest sentiments of freedom. It is, therefore, kept secret, while he stands accused of designs, in conjunction with the dethroned monarch, to enslave his country.

The respect I owe this correspondence is communicated to me by a person to whom it was related confidentially by one of the parties who examined it. You will have seen in my letters to Mr. Jefferson, a proposition made by Mr. Short respecting M. de Lafayette, with my reply. I had very good reason to apprehend that our interference at that time would have been injurious to him, but I hope that a moment will soon offer in which something may be done for his relief. In reading my correspondence with Mr. Short, you must consider that I wrote to the French and Austrian Government, as each would take the liberty to read my letters.

You will have seen, also, that in my letters to Mr. Jefferson, I hint at the dangers attending a residence in this city. Instant regrets, hurried expectations, unutterable anxieties, and the taking part in affair, which are parts of voice, are all point to a natural interpretation thereof; but these were not what I contemplated. Should we ever meet, I will entertain you with the recital of many things, which it would be improper to commit to paper, at least for the present.

You will have seen that the King is accused of high crimes and misdemeanors; but I verily believe that he wished sincerely to maintain the enjoyment of liberty; and that the degradations are, in some degree, his, that he has suffered. He wished for a good constitution, but unfortunately he had not the means to obtain it, or, if he had, he was thwarted by those about him. What may be his fate, God only knows; but history informs us that the passage of dethroned monarchs is short from the prison to the grave.

I have mentioned to Mr. Jefferson, repeatedly, my wish to have positive instructions and orders for my Government. I need not tell you, sir, how agreeable this would be to me, and what a load it would take from my mind. At the same time, I am fully sensible that it may be inconvenient to give me such orders. The United States may wish to temporize, and all States have a right also to the sing me at large, with the view which they are supposed to have to the weal or the woe of the country.

Mr. Jefferson, from the materials in his possession, will be able to give you an accurate account of the military events. I discover three capital errors in the conduct of the Duke of Brunswick. First, his proclamation arrogated rights which on no construction could belong to him or his employers, and contained threats which no circumstances could warrant, and which in no supposable success could be executed. They tended, however, to unite the nation in opposing him, seeing that no hope remained for those who had taken any part in the revolution; and the conduct observed towards M. de Lafayette and his companions was a severe comment on the cruelty of the rest. Thus, at the same time, he wounded the pride, insulted the feelings, and alarmed the fears, of all France. And, by his threatening menace to protect the royal family, he plunged them into the situation from which they must extinguish them.

The second error was, not to dash at Paris the instant he received the news of the affair of the tenth. He should then have advance, and all States fixed and adjourned in their assembly to the same place at large, with the view which they are supposed to have to the weal or the woe of the country. He should then have expected their assistance to restore their dethroned prince and violated constitution. I am persuaded that he would have met with as much support as in the revolution, when the interest of the state was involved. But when the revolution was over, and new letters of credence are given, it will be proper to know to whom they are to be directed, because the Convention, a mere temporary body, is to be succeeded by some fixed form, and it may be a long time before any such form will be employed.

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FRANCE.

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GOUVERNEUR.

My Dear Sir:

I did myself the honor to write to you on the 33d of October. Since that date the exterior affairs of this country have assumed a more steady appearance. My letter of the 21st instant, to Mr. Jefferson, will communicate my view of the present situation of affairs, which your good sense will easily expound. Let it be compared with Mr. Jefferson's public papers, as well as the memoirs of the foreign affairs, and the country, in which they may have influence in destroying it, a subject of which the many has given three strong proofs, since his accession, that he is by no means nice on this subject of public faith. The invasion of France has been declared, also between Britain and Holland, but whether they will confine themselves to court intrigue, or come into the field, is doubtful.

Thus you will perceive, sir, that nothing can be predicted with tolerable certainty respecting the affairs of this country, either internal or external, at the present moment. I am, &c.

GEORGE WASHINGTON, President of the United States.

PARIS, December 25th, 1792.

GOUVERNEUR MORRIS.

My Dear Sir:

I have now been informed that Mr. Genet, as Minister to the United States. In fact, this appointment has never been announced to me. Perhaps the ministry think it is a trait of republicanism to omit these pieces of news, which the present moment. I am, &c.

TO GEORGE WASHINGTON, President of the United States.

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intrepidity. Like Caesar, he believes in his fortune. When the business drew towards a point the conspirators trembled, but Westermann declared they should go on. They obeyed, because they had trusted him too far. On that important day his personal conduct decided in a great measure their success. Rewards were due; and military rank, with opportunities to enrich himself, was granted.

You must, sir, be aware that Dumouriez opened in council distrusted him. Westermann was commissioned to destroy him, should he falter. This commission was shown to the General. It became the bond of union between him and Westermann. Dumouriez opened a treaty with the King of Prussia. The principal emigrants, confident of force, and breathing vengeance, shot the royal ear. Thionville was defended, because a member of the Constituent Assembly was there; and that the present administration is to be overthrown, beginning with Pache, the Minister of War. You will have seen a denunciation against these members of Assembly for a letter they wrote to Thionville, the King's valet-de-chambre. This affair needs explanation, but it can be of no present consequence.

The King's fate is to be decided next Monday, the 14th. That unhappy man, conversing with one of his counselors on his own fate, calmly summed up the motives of every kind, and concluded that a majority of the Convention would vote for referring his case to the people, and that in consequence he should be massacred. I think he must die or reign.

To George Washington, President of the United States.

My Dear Sir: I have received yours of the 20th of October, which was very long on its way. You will find that events have blackened more and more in this country. The present prospects are dreadful. It is not so much perhaps that the Administration has done great as that may be, for there are many as means of defense in so vast a nation. The exhausted state of resources might also be borne with, if not remedied. But the disorganized state of the Government appears to be irreparable. The venality is such that, if there be no traitors, it is because the enemy have not common sense. Without the aid of venality, there are not a few who, from mistaken zeal, and from ignorance, contribute to the success of those Powers who are leagued against France. Many, also, under the garb of patriotism, conceal their attachment to the former Government. In short, the fabric of the present system is erected on a quagmire. The new constitution has not yet made its appearance, but it is easy to conjecture what it will not be. In the mean time, I learn that the Ministers of War and Marine declare it impossible for them to go on. How all this will end God only knows, but I fear it will end badly.

I will not speak of my own situation; you will judge that it is far from pleasant. I could be popular, but that would be wrong. The different parties pass away like the shadows in a magic lantern, and to be well with any one of them, would in a short period, become the cause of unquenchable hatred with the others.

Happy, happy, America! governed by reason, by law, by the man whom she loves, whom she almost adores. It is the pride of my life to consider that man as my friend, and I hope long to be honored with that title. God bless you, my dear sir, and keep and preserve you. Your cool and steady temper is now of infinite consequence to your country. As soon as I can see the end of any thing decisive, I shall inform you of it. At present, I weary myself with unwavailing reflection, meditation, and conjecture. A partition seems the most probable event at present. Adieu.

To George Washington.

My Dear Sir: I think that you should be acquainted with a fact which it is very important to communicate to our Secretary of State as soon as may be. I am informed, in a way that precludes doubt, that the Executive Council here sent out, by M. Genet, three hundred blank commissions for privateers, to be given clandestinely to such persons as he might in America incline to take them. They suppose that the avowal of some adventurers may lead them into measures which would involve alterations with Great Britain, and terminate finally in a war. This appears to me, waiving all question of honesty, no very sound measure, politically speaking, since they may, as a nation, derive greater advantage from our neutrality than from our alliance.

But, whatever light it may be viewed in as to them, it is, in respect to us, a detestable project. I learn that some seamen have lately been captured, by British cruisers, who claim to be Americans. I presume that the claim will not be admitted, but, if the Government should cause them to be executed as pirates, a knowledge thereof would go a great way to prevent our citizens from engaging in a war, contrary to the wishes of our Government, especially if, as I doubt not, the President should, by proclamation, enjoining the observance of a strict neutrality, declare that all those who contravene shall be at the mercy of the party by whom they may be taken, and not entitled to the protection of the United States.

I am the more solicitous on this subject in that we may well expect a back game of the same kind by Britain, and, in such case, it would be impossible for the French to distinguish among their prisoners between those who were and those who were not English. As there is nothing more destructive to morals than the spirit of gambling, especially among men who have sedulously conspired against the ensnaring the property of others, and as the security and happiness of the United States depend so essentially on the morals of their citizens, I feel a more than usual solicitude to prevent a practice inconsistent with all good principles.

I have no late news from America, and none, of any date, which you would wish to know. Our Secretary of State seems to have acted theenery. Metz remains in a state of near the largest of his predecessors, that last said is recommended. The length of this letter will show you that I have not only profited by such wise lessons, but it will also show you, I trust, the confidential esteem with which

I am, &c.

Gouverneur Morris.

To Thomas Pinckney.

General Washington to Gouverneur Morris.

My Dear Sir: It was not till the middle of February that I had the pleasure to receive your letter of the 23d of October. If you are at the fountain head of those great and important transactions which have lately engaged the attention-
tion of Europe and America, cannot pretend to say what will be their event, surely we, in this distant quarter, should be presumptuous indeed in venturing to predict it. And unwise should we be in the extreme, to involve ourselves in the contests of European nations, where our weight could be but small, though the loss to ourselves would be certain. I can, however, with truth, aver, that this country is not guided by such a narrow and mistaken policy as that of a prudent statesman under an idea that our importance will be increased in proportion as that of others is lessened. We should rejoice to see every nation enjoying all the advantages that nature and its circumstances would admit, consistent with civil liberty and the rights of other nations. Upon this ground the prosperity of this country would unfold itself every day, and every day it would be growing in political importance.

Mr. Jefferson will communicate to you such official information as we have to give, and will transmit the laws, public papers, &c.

I have thought it best, my dear sir, not to let slip this opportunity of acknowledging the receipt of your letter, lest no other should occur to me very soon, as I am called to Mount Vernon by the death of my nephew, Major Washington, and am on the point of setting out for that place to-morrow. I need not tell you that this is, of course, a very busy moment with me. It will therefore account for the conciseness of this letter, by which, however, you must not infer any regard.

You see me again entering upon the arduous duties of an important office. It is done so contrary to my intention, that it would require more time than I have allowed myself to assign the reasons; and therefore I shall leave you to your own suggestion, aided by the publications which you will find in the gazettes.

I am your sincere friend and affectionate servant,

G. WASHINGTON.

SAINTPONT, near PARIS, June 31st, 1789.

My Dear Sir:—I have just received yours of the 29th of March. Not having had time to read the gazettes, which are but just (and but in a part) arrived, I cannot from them derive the information you allude to, but my first glance at them shows me what I am sure you will see, that I am induced to quote a sound maxim from an excellent book, 'No house divided against itself can stand.'

As to your re-acceptance, sir, you know my sentiments, which on that, as on some other subjects, are, I think, unchangeable. It will be time enough for you to have a successor when it shall please God to call you from this world's theatre. At the present moment I can form a competent idea of the office; but during your life I consider the thing as utterly impossible. And do not imagine, my dear sir, that you can retire, though you may resign. You will in such case become the man of the opposition, your good sense may differ from their madness, and your virtue from their villainy. Depend on it, they will cite you as being of their sentiments. If you are silent you assent, and if you speak you are committed. In the mean time your poor successor is obliged to struggle under all the weight of your reputation, as well as that of the office; and he must be a strong man who can carry either; of course a very rash man who would attempt to take either.

I am very happy to find, that the determination to maintain a strict neutrality is so general in America. I shall not dwell on that topic, because my several letters to Mr. Jefferson contain enough of it to weary your patience. By the by, I am mortified more than I can tell at the delay my letters experience in their passage. I task my mind to the idea of a common prejudice in the writers of foreign letters that the post-office can be relied on) you may be duly prepared, and after all you hear of the event before my almanac comes out. This is provoking, and would be much more so, did I not find from experience that the things I wish are done as well, and perhaps better than if my conjectures had reached you.

I trust that long ere this, you will have received what I had the honor to write on the 28th December, 6th and 10th of January, and the 14th February. You will have seen that, in the end of last month, and beginning of this, the long expected insurrection took place, by which a new set of men are brought into power. Should the present society be able to establish themselves, I think M. Genet will have a successor; and if, the revolution completed, things return to the point from whence they started, I am sure M. Genet will have a successor. As to those who rule, or rather the few by whom they are directed, you may depend that they have just ideas of the value of popular opinion. They are not, however, in a condition to act according to knowledge, and should they be able to influence the people, there will be quite as much of good luck as of good management in it. At any rate, a part of the crew will be thrown overboard. It is my opinion that the members of the Convention lately arrested will do nothing, for the greater part of them have only parole energy; and if I were called on by any cogent motive to act, it should be in conformity to that idea. In my letter to Mr. Jefferson of this day I tell him that I shall implicitly obey his orders; by which I mean, according to the request and hint that my embarrassments may have arisen from imprudent reliance on partial friends, or from the principles of free Government. You may rely, sir, that I shall be cautious to commit the United States as little as possible to future contingent necessities. In my last letter I gave you my idea of popularity.

There are three governments任何一个国家都存在, and therefore it seems to me that one of those into which they call themselves democrats are divided, must join the royalists. I do not inquire what negotiations are carried on to that effect, for I have no desire to meddle with such affairs, directly or indirectly, and should be very sorry to have the appearance of siding with any one party or faction whatever, being convinced that the best do the business of the United States by keeping aloof from them all.

Those who command the royal or Christian army, as they call themselves, on the Loire, are good officers. Their enemies, in my mind, passed the highest eulogium on them, in saying that the soldiers are brought to such a pitch of folly and madness, as to rush on, armed only with clubs, and possess themselves of the artillery to whose fire they were exposed. As far as I have been able to learn, they profess themselves the friends of order and justice, and act conformably to such professions, protecting both persons and property wherever they arrive, and paying for whatever they take. Hence it happens, that their dominion is constantly extending itself, and if they should get possession of these Gazette, which seems to be their present object, they will in truth formidable, because than, by means of the Loire, a passage will be opened into the heart of the kingdom for so many troops as foreign Powers may choose to send thither, if they should prefer fighting the battle with Frenchmen, they need only furnish money and war-like stores, and they would have as many men as they please, and the most fertile part of France to subdue.

Farewell, my dear sir, may God bless and keep you, not merely for your sake, and still less for that of your country.

GOUVERNEUR MORRIS.

To George Washington, President of the United States.

Paris, October 16th, 1793.

My Dear Sir:—You will see, by the official correspondence, that your orders are complied with, and that your intentions are fulfilled. Permit me on this occasion to remark, that had the people of America been well informed of the state of things on this side of the Atlantic, no one would have dared to adopt the conduct which M. Genet has pursued. In reading the few gazettes which have reached me, I am surprised to see so little sound intelligence. The present Government is evidently a despotism both in principle and practice. The Convention now consists

1790.
of only a part of those who were chosen to frame a constitution. These, after putting under arrest their fellow, claim all power, and have delegated the greater part of it to a Committee of Safety. You will observe, that once the ordinary measures of government is to send out commissioners with unlimited authority. They are invested with power to remove officers chosen by the people, and put others in their places. This power, as well as that of imprisonment, is liberally authorized to a liberal revolutionary tribunal established here to judge on general principles, gives unbounded scope to will. It is an emphatical phrase in fashion among the patriots, that terror is the order of the day. Some years have elapsed since Montesquieu wrote, that the principle of arbitrary governments is freedom.

The Queen was executed the day before yesterday. Insulted during her trial, and reviled in her last moments, she behaved with dignity throughout. This execution will, I think, give to future hostilities a deeper dye, and unite more intimately the allied Powers. It will silence the opposition of those who would not listen to the dismemberment of this country, and, therefore, it may be concluded that the blow by which she died was directed from a distance.

But whatever may be the lot of France in remote futurity, and putting aside the military events, it seems evident that she must soon be governed by a single despot. Whether she will pass to that point through the medium of a triumvirate, of a single chief or a better understood dictatorship, I think it most probable that she will. A great and awful crisis seems to be near at hand. A blow is, I am told, meditated, which will shroud in grief and horror a guilty land. Already the prisons are surcharged with persons, who consider themselves victims. Nature recolls, and I yet hope that these ideas are circulated only to inspire fear.

I am, &c.

TO GEORGE WASHINGTON, President of the United States.

PARIS, October 18th, 1793.

MY DEAR SIR:

I had hopes until last evening, that the persons, who are to go out as commissioners from hence, would have embarked with Captain Culver, but circumstances have delayed the appointment. The plan which was in agitation, and which will probably be carried into effect, is to send over three or four commissioners, who will be charged with letters of credence, but instructed to conform to the directions of the Board. It is probable that the new minister, immediately on being presented, will ask you to aid in securing the person and papers of the old one. My public dispatch of this day contains a remote hint to lead the investigation of the Secretary of State. I did not choose to be more particular, because you can both give and take the informations you think proper.

I have favored, or rather excited the idea of this procedure, for the following reasons: First, such a public act will place in a contemptible light the fiction connected with M. Genet. Secondly, the seizure of his papers, by exposing his connections with prime meers, will give a lesson to others. And thirdly, the commissioners who exercise this high handed authority will, on reflection, feel the necessity of respecting your Government, lest they should meet a similar fate. Having alarmed their apprehensions, as to the effect which M. Genet's imprudence might produce, and knowing the public and private views of the parties, I have insinuated the advantage which might result from an early declaration on the part of the new minister, that as France has announced her determination not to meddle with the interior affairs of other nations, so he can know only the Government of America. In union with this idea, I told the minister that I had observed an overruling influence in their affairs, which seemed to come from the other side of the channel, and at the same time had traced the intention to excite a seditions spirit in America. That it was impossible to be on a friendly footing with such persons, but that at present a different spirit seemed to prevail. This declaration produced the effect I intended. The minister has himself the wish to go out to America as plenipotentiary, and M. Otto, his principal secretary, having the same wish, they will, I believe, endeavor, while they stay, to put things in good train here.

It may be an important judicial question, how far the minister is protected by the law of nations, after the arrival of his successor. In my opinion the same principles which exempt him from the municipal law, subject him to the will of his sovereign, and of course the aid given to the new minister is not an act of the judiciary but of the executive, performed as an ally and friend, and is merely discretionary. I find that this commission will endeavor to get hold of the debt from America to France by anticipation. If no other reasons militated against the advancement, the advantage of a pledge to satisfy damages, which our citizens may sustain during the present violence, is considerable, and will not, I presume, be overlooked.

I am, &c.

TO GEORGE WASHINGTON, President of the United States.
GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON, President of the United States.

SAXIPORT, November 16th, 1793.

Dear Sir:

My last was of the 90th of October. Captain Culver did not, I find, get out of the port of Havre till the first instant. He took with him the medal dies.

The counsel charges me with a balance of nineteen hundred and ninety-three livres, eight deniers, nine sous, totaling me, as you think, by your knowledge, that you would choose that he should draw on you, but that it would be very difficult, and, therefore, prefers receiving payment from me. I shall accordingly advance this sum; and, as I understand from Captain Culver that he paid a considerable part of the disbursements for his vessel by dollars sold to me, I suppose that the owners of the vessel will charge you for the whole. The amount is three livres, eight deniers, nine sous, at that rate being one hundred sixty-six dollars and seventy-nine cents. Wherefore, I will carry to the debit of the United States the sum above mentioned at the same rate, being one hundred sixty-six dollars eleven cents, so that you will owe only two hundred fifty-six dollars and sixty-eight cents to them.

In my last, I had the honor to inform you that the rate of depreciation had continued nearly about what it was on the twelfth of September, viz, two and a half to three for one. But since that time, it has been approaching, and the New Orleans, at Paris, two dollars and ninety-three livres and silver at about one and one-tenth. The reason of this difference will go far to explain the phenomenon of a paper money rising in value, while the sum omitted goes on increasing. Gold is more easily concealed than silver. Whatever is discovered hidden is confiscated, and that which is not hidden is taken to the treasury, to be paid in assignats at par hereafter.

There is, however, another reason; the war tax on the rich, added to the other taxes, disables them from placing their contingent of the forced loan, and, therefore, they are reduced to the necessity of selling what they possess most valuable, and the city of which can alone purchase war safety, fixes their own port as its. Therefore, loan d'ors should at length be under par. I should not be surprised. The list of precious metals and materials in the treasury and joint is already very great; (they say a milliard, or forty millions sterling) it is, I suppose, exaggerated, but it is daily increasing. And, at the rate things go on, Government will have accumulated in the city of Paris, millions of dollars, pearls, precious stones, which will be in a condition to dismiss the assignats from all further employment, and to begin a new system fully handed.

They seem to think, that in this way, provision will be made for two campaigns, and that their enemies, astonished at such an immense resource, will be inclined to treat. A previous difficulty is, however, to be removed; that is to say, some one person, a small number of persons, must be named, who shall hold the unlimited power of treating and of executing the treaty. This will, I suppose, be speedily effected. It will remain to be discovered, whether those who are so sanguine, as to the dispositions of some, if not all of the allied Powers, do not reckon without their teeth.

I hast, by the way, drop one word as to the overthrow of the Catholic religion. It is now expiring under wounds from the true French weapon, ridicule. The people who, five years since, fell down in the dirt as the consecrated matter passed by, now dance the carmagnole in holy vestments, and perform other mummeries, which it might be improper to mention. The late Fruit of Ravenna is a very striking feature in the concomitance of the revolution. You know the opera girl, Sunnier, who is, though very beautiful, next door to an idiot, as to her intellectual gifts. I am told, also, that she is any thing, except what the French call sage. It is she, who lately asked the painter, David, to invent for her (to appear in the Hallet of Paris) some dress which should be more indecent than nakedness. And the painter, it seems, had genius enough to comply with her wish. But I speak only from hearsay, not having been at any of the theatres for nearly two years.

Well, sir, it so happened that this actress, remarkable for fine attitude in dancing, was pitched upon to represent Rameau's Dardanus, and, in the course of the play, stood in the head of the chorus, as a most holy, and was there adored on bended knees by the President of the Convention, and other principal characters. At this spectacle, the devout will unquestionably be scandalized, and it seems, in effect, to be a strong experiment of the burning of legs, arms, and grinders of saints, male and female, with relics from the wood of the original cross. It is an example of undeceiving those who still maintain, that qualities inherent in those crumbling materials. But the dismission of all the bishops and curates is a matter of more serious import. A national economy of near four millions sterling will be thereby effected; but what degree of earthquakes from the diminishing of those ecclesiastical regiments, to give a picture of the whole, I now proceed to state to you the grounds on which different advocates erect their fabric of probabilities. To begin with those who calculate on the success of France. They say that, along the northern frontier, from the ocean to the Ardenois, the campaign is null. That the enemy must winter in his own country, which, not being covered by fortresses or by natural defences, must be open to invasion all winter. That the army in Alsace, at Lautenau and Strasbourg, be not taken, will find it difficult to retreat, and impossible to stay; so that a Burgunegue may ensue. That, from the hills of the Rhine to the Mediterranean, the untouched frontier is now guarded by impassable snows in the winter quarters of the Alps, leaving the republic in fact possession of Savoy. Two Toulois will soon be attacked, with such vigor that it must fall. That the Pyrenean mountains now render all attempts on the part of Spain abortive. And that the flame kindled in the Vendee must be speedily extinguished, so that they will be able with unaltered force to oppose, may attack, their enemies next spring, should they persist in hostility, and hence is added the probability of a peace, on such terms as France may dictate.

On the other hand, it is said that Vaubancies and other adjacent places will cover the heart of Flanders and open that of France. That the sluices, especially in winter, form a sufficient defence for the maritime Flanders, and that a great superiority of cavalry will enable the army to lay waste Picardy, as well as the interior. But, in this case, the troops shall leave the field and go into winter quarters; that Lautenau and Strasbourg surrendered, as it has neither garrison nor magazines; in which case Alsace is irrecoverably lost, and the enemy, who can occupy the passes of the Vosges, will have an easy task to enter Campaign next spring; that in the mountains of Franche Comte a great evil side to be incurred, and that it is only the favorable moment to check out; that the Lorraine are inpatient under the yoke, to which they have been compelled to submit, and will, of course, take arms whenever an opportunity offers; that Toulon cannot be taken by a coup de main, and the same causes, which render the Alps and Pyrenees difficult of approach, can render the same offensive. If Toulon can go to Toulon; that a numerous French army cannot long be sustained there, inasmuch as the great city of Massa, where it was formerly supplied from the coast of Barbary and thence it is inferred, that the attempt on Toulon failing, Provence must be the object of Paris, because the French troops must retire to a more plentiful country, so the duration will cover the possession of the empire. It is not possible by him to carry the accounts of such great discontent and expense, as the dispositions for revolt that, should the Franco Contous engage heartily in the royal cause, the Swiss may be brought into the league, and, pressing towards Lyons as soon as the campaign opens, oblige the French to retreat from Savoy, and perhaps to abandon all to the eastward of the Rhone; but at any rate, to hold a precarious possession of it until the troops, which winter in Piedmont, can advance into Dauphine. I believe that, on almost any hypothesis, it must be admitted that the Dauphinois can dispose of their own country.
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It is contended further, that the insurgents in the Cevennes and Auvergne could easily over-run the country along the Garonne and as far as Bordeaux, because the people are already indisposed, and only kept under by the fear of instant death.

On the Vendee much is said. Fire and sword have been carried through that unhappy country of course, the passions of the inhabitants rising to their highest points, as soon as the immediate danger is removed. It is here that the strong principle of religious fanaticism is to be calculated on. The future conduct cannot be defined, or even conjectured, on the ground of reason merely human. The firm persuasion, that death in the cause of God comes into a mind, is capable of converting madness into heroism. Already the effects have been wonderful, and we observe that very few of the men, who have been sent to subdue the Vendee, have ever returned.

A large party, which, at the lowest estimation, is not less than fifteen thousand, have crossed the Loire, and marched into Lower Normandy and Brittany. That, in this quarter, they will find many congenial spirits, is considered as certain, and also that their measures are combined with the British cabinet. At a distance from their home, nothing remains for them but victory or death. It is in this quarter that the destruction of the Catholic religion is supposed to be most obvious. The clergy being driven to despair, it is supposed that such persons, who possess personal courage, will march in the ranks. The insurgents are commanded by a man, and the troop is composed of the remnant of many battles. Hence, it is concluded that no opposition made to them by the raw levies from Normandy and Brittany can have any effect, and, of course, that the troops in the Vendee must go in support of them. In such a case, the Vendee would rise, like a phoenix from its ashes, far more formidable than ever. That there is a corps of twelve thousand men still remaining on the island of Noirmoutier, and that neighborhood, which will come forward immediately, and recover all that has been lost, and more.

Lastly, it is said that, however splendid may be the financial arrangements, it will be impossible to hold out, unless the people can be taught to eat silver and gold, for that famine, already partially felt, must become general. This assertion is exaggerated, but I think much distress will be experienced on that account.

Having thus given you the pros and cons, I leave you to make up your judgment. For my own part, I have observed that the ministry, generally deceived, both by their hopes and by their fears, and I persist in believing that the fate of so great a country as this must ever depend much more upon interior sentiment, than on exterior operations.

As to the operations of the insurgents, who are supposed to have in view either the town of St. Malo, or an irruption into Normandy, or a march to Paris, I consider the last as the easiest and safest operation; among other reasons, because there are infinitely more savages in that direction, and we know not the courage of the insurgents.

The second, which would look like a serious combination to terminate the war, by re-establishing the monarchy, seems to me somewhat beyond the degree of talents which has hitherto directed the allies; and, on the whole, I conclude that Britain, looking with an eye of caution at the port of Brest, wishes to get possession of St. Malo, and effects the peace along the border, in order to the carriage and safety of the forces, and the winning of the country, whether by force and persuasion towards the possession of that country.

Whether this be the plan is one question; whether it will succeed, is another. Time will discover the answer to one, and, perhaps, to both.

I am, &c.

GOUSNEUR MORRIS.

TO THOMAS JEFFERSON, Secretary of State.

PARIS, November 26, 1792.

DEAR SIR: In mine of the 16th, I omitted to mention the fall of the Brissotin party, and of the Duke of Orleans; but it was a thing so much of course, that you had, doubtless, anticipated it.

I mentioned to you that silver was nearly at par; in effect, it is now under par. Crowns, I am told, sell at two pounds, and I find, and I am informed, that fifty-two livres per mille, and the price, for many years preceding the revolution, was fifty-four, as I am told. For some days past there has been no foreign exchange. There are no buyers, because the person who takes a bill is considered as suspected, and persons suspected are put in prison, and persons in prison are so numerous, that none can get out, because, in the multitude of applications, there is no time to examine the particular complaint.

You will form some more accurate idea of this situation, when I tell you that a young American, by the name of Griffin, having lost at Havre my certificate that he was an American citizen, was taken up. I declined interning for him, and, when he discovered that place certificates had been given out, in that quarter, that all the papers of certificates, when all matters were cleared up to my satisfaction, I applied to the minister, and lie to the Committee of Safety. I have repeated my applications for a month past, and he has repeated his, and as yet nothing satisfactory is done, although I have no doubt of the disposition of Government to give us satisfaction.

In my last letter, at the time of bringing their sores a little more into form, and the minister tells me that, as soon as that is effected, I shall have less frequent reason to complain, and more speedy and effectual redress. I hope this may be the case, for at present it is terrible.

We have, as Mr. Fenwick informs me, ninety-two sail of vessels at Bordeaux. I have formerly mentioned to you the embargo had in that port. It has, at length, produced the greatest distress. The crews have consumed their provisions. The merchants will be saddled with heavy loss and cost. I have made reiterated applications, but the situation of that city has prevented the Comité de Sûreté Public from a direct interference. The comités have persisted in their measure of shutting the port. They promise Mr. Fenwick redress from day to day. The minister cannot promise redress to me, but he promises to try it, and I believe he does try; but I am sure that it is as yet without effect.

In my last conference on the subject, two days ago, after having advanced the various reasons arising from the justice of the demand, and after stating to him the very great hardship of the case, I hinted the extreme bad policy which would deter any American vessel from coming to France, unless reparation were made. I know not, as yet, the effect; but I am sure that all commerce between this country and America must soon terminate, unless a more regular redress is promised. I shall soon make known to all the ports of America will be filled with re-complaints; and, from what Mr. Fenwick writes, I suppose the public servants will be criminated, because France is without a regular government. This, to be sure, is not very just, but it is very natural. A choleric man beats the post which he has struck his head against.

I am, &c.

GOUSNEUR MORRIS.

TO THOMAS JEFFERSON, Secretary of State.

PARIS, December 9, 1793.

SIR: I had the honor of receiving your letters of the 7th, 14th, and 17th instant. I thank you for your attention in expediting the expatriation of the Sieur de la Motte, and in obtaining the liberation of the American citizen, Mount- florence. Citizen Griffin is still detained.

In every day, letters which present to me the sad picture of what the commerce of the United States suffers at Bordeaux. Our vessels came out of the feast of treaties; some carried provisions there, others went to take, as freight, cargoes for the French colonies, or foreign ports. Many were to return loaded with corn, flour, salt provyons, and other cattles. All are detained there.

I will not repeat to you, sir, the various observations which I have had the honor to make to you at different times, on this subject: for the principles of justice are so evident, that it is useless to speak of them. I will only
mention, therefore, a motive of a different kind, but yet deserving attention. The advantage, not to say the necessity, of obtaining supplies of provision for France, from foreign sources, is readily acknowledged. Every thing, then, which opposes this, is prejudicial to the most important interests of the republic. Now, how can you persuade neutral states, so far from Paris, will it be evident to them that they incur the risk of being detained there? I should ill fulfill my duty, as the representative of a friendly and allied nation, did I not point out to you the danger to which the provisioning of France, and especially the capital, is exposed.

It is true, interest is the moving spring of commercial operations, but the American owners, who have made voyages to France, and who have fallen in with Barbary privateers, and other countries of Europe, have the same local system of feeling, which always influences the judgment, and, consequently, the calculations. Those of your friends, then, who are most attached to you; are the sufferers from this detention. I leave it to your good sense, sir, to infer the consequences, and flatter myself that a just indemnification for this detention, and speedy permission to depart, will soon efface the unpleasant impression of the losses which they have sustained, and that the vessels, which are in the port of Bordeaux, will return loaded with flour in three or four months, and thwart the designs of those who wish to starve the city of Paris.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

To M. DEFOUGRES, Minister of Foreign Affairs.

PARIS, December 19, 1793.

DEAR SIR:

I transmit to you, enclosed, a letter received open from Mr. Cathalan, who has been disappointed in giving the needful surety for the due execution of his office, by the delay of his letters during the siege of Lyons, and other circumstances resulting from local situation. It seems probable that my correspondence with him may be soon cut off: for, if the French army does not speedily get possession of Toulon, I think they will be obliged to abandon the enterprise, from the difficulty of obtaining subsistence. In that case Marseilles will fall of course, as well as the coast of Nice, and my correspondence may not cost much blood and treasure.

The insurgents of Vendée, who had broken into Lower Normandy, seem to have divided themselves into various bands, and to have been attended with a varied success; but, on the whole, the theatre of their operation is considerable. It is natural to suppose that they have received considerable reinforcements by sea. I persist in believing that to be the tender part of the French republic, for certain things are collected together from a very large portion of the people are disposed to a counter revolution; but they dare not stir until a sufficient force shall appear; for they are without arms, or union, or any means of understanding each other, while the examples are so striking and terrifying, that every individual, whatever he may be his political views or principles. It is exercised of that authority which, whether willingly or unwillingly is a matter of indifference, he contributes to support.

Since my last, the new organization, or rather regulation, of the Government sys em has taken place; but, to my poor conception, it appears as inefficient and discordant as ever. If I am not mistaken, it must soon undergo further changes.

I enclose, also, herein, a copy of my letter of the 9th to the minister, by which you will observe that I endeavor to obtain, by a sense of their own interest, the release of our ships from the harbor of Bordeaux, since the sense of justice has not yet possessed, in effect, to an extent at a distance, and in general, it would seem impossible, that this outrageous grievance should be continued; but yet I do not dare to flatter myself with a removal of it. The representatives of the people sent into the departments are vested with unlimited power. In the exercise of it they suspend decrees of the Convention, fine, imprison, in short, do every thing, which to them appears needful for the public safety. They assign their reasons afterwards, if called on by the Convention for that purpose. It seems to be understood, that their acts must not be reversed until after their return, unless they should, indeed, be charged as contre-revolutionnaires, and then every thing is overturned.

I need not dwell on such a state of things, for you will readily draw all the perplexing and vexatious consequences. Happy they, who contemplate them at a distance. A view of what our countrymen suffer, in this respect, so torments me, that it is very difficult to be patient. I am, &c.

To THOMAS JEFFERSON, Secretary of State.

PARIS, December 29th, 1793.

SIR:

A letter which I have just received from the citizen Griffith, informs me that he has been two months in prison, without any charge whatever being exhibited against him. It is a long time since I solicited the liberty of this citizen, with the persuasion of his innocence; but his long detention induces me to apprehend that I may have been mistaken. I pray you, sir, to favor me with the cause of his detention, that I may render an account of the same to the United States.

Daily complaints are addressed to me from Bordeaux, where the embargo is still in full force. Some exceptions in favor of those vessels, said to be loaded on account of that republic, have produced the effect which might have been expected. Some, from a principle of respect for the Government, suppose that these are individual speculations made on the general misfortune, in the hope that the markets of the United States, unembarrassed in consequence of the embargo, will offer an early and advantageous sale for the cargoes, which have lately been despatched to them. Others insist that the speculations in question are on the account of Government, and you may easily conceive the sensations which this idea produces.

However it be, it seems to me necessary, on every possible account, to remedy the evil as soon as possible. I demand justice for my countrymen from the French republic, not only from a sense of duty to the United States, but also from regard to France. Be assured, sir, that your enemies could not mark out for you a course of conduct more to your disadvantage than that which I have just laid before you.

I have the honor to join to this letter, the copy of a petition sent to me by the American citizen John Gray. He informs me that, on his arrival, on the 13th of December, a guard was placed on board his brig, and that a member of the Committee of Subsistence told him that he would be personally responsible if any portion of the rice were discharged, even to nourish his own countrymen. He states that he is a member of the committee, which orders payments of purchases to be made to the committee appointed to purchase goods arriving in neutral vessels. This latter committee told him that they were not provided with the powers requisite to grant to any person whatever the conditions set forth in his petition, and that he must apply to the representatives of the people in this city. These are too much occupied to pay the least attention to his business. He therefore says to me, as I can sell my consignments to the nation nor to individuals, as I am forbidden to distribute it among my countrymen, who are in a state of extreme suffering, let me at least be permitted to depart, and seek commerce and liberty elsewhere.

You will, sir, in the opinion of many things concur to show that I am forbidden to distribute it among my countrymen, who are in a state of extreme sufferings, let me at least be permitted to depart, and seek commerce and liberty elsewhere.

You will, sir, in the opinion of many things concur to show that I am forbidden to distribute it among my countrymen, who are in a state of extreme sufferings, let me at least be permitted to depart, and seek commerce and liberty elsewhere.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

To M. DEFOUGRES, Minister of Foreign Affairs.

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Sir: I do myself the honor of enclosing to you a letter from Mr. Jefferson, announcing my succession to him, as Secretary of State. His resignation, which took place on the 31st ultimo, was accompanied with a general regret, founded on his acknowledged qualities for that department, and the important services rendered by his labors. The President, I am informed, is shortly to be notified of the appointment, by the President to defer all animadversions upon the decree to which it relates, and indeed upon any of the affairs of France, until the temper of that country towards the United States shall be disclosed by your communications, subsequent to the receipt of Mr. Jefferson's letter to you, of the 29th of December last. The journals and pamphlets now sent will inform you of the progress made by Congress on the very interesting subjects which have hitherto occupied them.

Suffer me to tender you, on this first occasion of our correspondence, the great and sincere respect with which I have the honor to be, sir, your most obedient servant,

EDMUND RANDOLPH.

PHILADELPHIA, January 10th, 1794.

TO GOVFRNEUR MORRIS.

DEAR SIR: I have the honor to inform you that I have resigned the office of Secretary of State, and that Mr. Randolph, late Attorney General of the United States, is appointed by the President, and approved by the Senate, Secretary of State. He will be so good as to acknowledge the receipt of your several letters not yet acknowledged by me, and will answer in detail such parts of them as may require special answer. I beg leave to conclude this last of public correspondence with you, with very sincere assurances of the great esteem and respect with which I have the honor to be, dear sir, your most obedient and most humble servant,

TH. JEFFERSON.

PHILADELPHIA, January 3rd, 1794.

DEAR SIR: I do myself the honor to transmit herewith duplicates of mine, of the 16th and 26th of November, and the 12th of December last. I also enclose copies of my letters of the 29th of December, to the Minister of Foreign Affairs, and of his answer; of mine of the 4th of January, introducing the deputation sent up from Bordeaux, and of his of the 26th of November, in reply to it.

The young man, Mr. Griffith, whom I mentioned in mine of the 26th of November, is at length out of prison; but he is still in the State, under the name of Hoskins, still remains in confinement, and this merely because the multiplicity of business before the committee prevents them from attending to any thing.

I learn that the number of persons arrested in this city amounts to fifteen thousand, and that through the republic is more than tenfold more numerous. The petitions before them could not be read through in less than two days, supposing ten hours a day appropriated to that purpose; and, as the arrestsations are daily continued, those who are confined are in a sad and hopeless condition.

The wiser part of those who are at the head of affairs are sensible that such severe measures must prove injurious, perhaps fatal; but they do not appear so as the advocates for the unfortunate, lest they should partake of their situation. Late experiments justify their apprehensions, and, if I may judge, the outs, who wish to be in, will use this as a lever to overturn the power of their opponents; so that the general good delivery, if effected, will come from those who inveigh against, and those who are thought to be, the leaders of such a measure, exposes to the charge of moderatism and you will observe here, that as Bristosisme succeeded to Feveistisme, which has succeeded to aristocratisme, so moderatism is now heir to all the odium of Brissosisme. Robespierre has luckily hit on the term ultra-revolutionnaire, and brought it with good success into the field against the term centre-revolutionnaire; but it seems likely that moderatism will prove too hard for ultra-revolutionnaire.

I cut short these observations to give you a sketch of the state of parties. Previous to which, however, lest I should forget it, I must mention, that Thomas Paine is in prison, where he amusing himself with publishing a pamphlet against Jesus Christ. I do not recollect whether I mentioned to you that he would have been executed along with the rest of the Brissosims if the adverse party had not viewed him with contempt. I incline to think that, if he is quiet in prison, he may have the good luck to be forgotten. Whereas, should he be brought much into notice, the long suspended axe might fall on him. I believe he thinks that I ought to claim him as an American citizen but, considering his birth, his naturalization in this country, and the place he has held, I doubt much the right, and I am sure that the claim would be, for the present, at least inexpedient and injurious.

There seems to be at present three parties among the doers of the day: for I except those who are entirely indisposed to the order of government. The first may be called the Democratic party, with whom Robespierre is connected, apprehending that the people, so often disappointed in the expectations held out to them, may, at length, by a kind of general effort, arising not from any particular plot or conspiracry, but from the universal sense of oppression, overturn the whole affair, which, whatever may be its future and national effect, must necessarily occasion their immediate and personal ruin.

The second may be called the Partisan party, being those who wish, by a new blow from the populace of this city, to make a second edition of the piece acted on the 31st of May last, and thereby put themselves in the places of such as may be then sent to the gallows.

The third may be called the Ministerial party; and although the ministers are, at present, no more than a kind of clerks, subject to the imperative, and too often the impertinent, mandates of a committee, yet, as they are supported privately by those who wish to bring forward the constitution, as they are acting in the interest of men doing business with committees, to see how much is sacrificed, and how much neglected, and thence show the great abuses inseparable from that sort of government, they have more weight and consistancy than would, at first sight, be imagined. As the present actors have more energy, as well as more experience, than those who suffered them selves to be elbowed off the stage on the 21st of May, I presume that things will be brought much sooner to a crisis.

There is at present a plot in petto, which may, perhaps, blow up the Dantonists. I have heard different versions of it, and, therefore, will not give you any of them; because it is well known that matters of that kind undergo many changes, and may be exhibited, and, besides, the whole affair may die away, especially if any general danger should oblige the parties to be friends for a month or two longer. Let parties rise or fall as they may, I do not think the present form of government, by committees, can long stand. We have seen such a system fall by its own weight, when exercised on a much smaller scale, and any one who has any thing to do with committees here comes, which is the case, to step towards the democratic party.

The successes of the republic will give pleasure to all those who are attached to France; for, whatever may be the opinions as to a government, which may undergo a dozen changes, it seems to be demonstrable from facts, that the plan of dismemberment, which I long since communicated, really exists, and it is that plan which has foil ed the allies. Admitting what has been asserted by persons in a situation to know the truth, and deeply interested to prove the contrary of their assertion, that nine-tenths of the nation are inimical to the Government, it is an undisputed truth that ninety-nine hundredths are opposed to all ideas of a dismemberment, and will fight to prevent it. Hence it happens that the few who are attached to any part of the frontiers, except the inhabitants of Alsace, who have, in their hearts, Germans; and hence, also, it happens, that the Vendée has been so vigorous.
in its operation, as in that quarter they fought simply to restore the ancient government and religion. If the allies had given them aid, God knows what would have been the consequence; but as the clear object, when aid was at length offered, consisted only in possessing themselves of strongholds for their own use, the whole plan has fallen through, and a great deal of the human sacrifices and the destruction of the people in that quarter at near a million of souls. It certainly has been very great, though not, perhaps, more than half that number. I am much mistaken if the spirit of revolt be quelled, although, for want of opportunity, it may not again perhaps break out.

I am gratified rather than pained. Perhaps, if the evacuation had not been decided on, it would have been kept; but certainly the brisk attacks of the French precipitated very much the measures of the enemies. In my opinion, it was a great blunder not to throw successers into that place: for, if it had been held a little longer, the French army must have been forced to retreat to save the state.

In like manner, it is now evident, that if Bordeaux, Marseilles, Lyons, and Toulon, had all declared at the same time, instead of showing their evil dispositions one after the other, the whole southern part of France was irrevocably lost to the republic. And if the good faith of the enemy had not been suspected, this union of measures would have been the case. The war would have been delivered up, if the Emperor had not been desirous to take it in his own name, instead of that of Louis the Seventeenth. The allies, not being able to possess themselves of this place, (in which the plan of surrendering was discovered and its effects prevented) and failing at the same time in their blockade of the town, were put out longer than they had hoped to be long; they were not known, of course they were attacked on all sides, and by a vast superiority of numbers. At first, the French were repulsed everywhere; but the repetition of attacks, (for there were in the whole between thirty and forty) wearied the defendants, who, by no resource of the military art, could bear up against the bodily fatigue of constant fighting. The physical constitution of the French is more adapted to this service than perhaps any other on earth. To retreat became necessary, and a retreat once began was continued from necessity, because the French kept pouring in fresh supplies of men when opposed, and continued their rapid advance wherever they were victorious. Mayence and Fort Louis could alone stop their pursuit.

Nor is it to be supposed that they had not already formed designs of that kind, but the consumption of provisions must diminish in the same proportion. The fear of famine seems to be general; and although I flatter myself that its greatest ravages may be avoided, yet I do not readily see how the resistance of the next campaign is to be effected, if the whole force engaged against France should continue its operation.

I am promised daily, that the embargo laid on our ships in the port of Bordeaux shall be taken off, and an indemnification be granted for the losses which it has occasioned. I have never been able to learn why it was laid; but have some reason to believe that just ground of suspicion had been given as to the voyages, the cargoes, and even the character of the men by whom the deputies were sent to the committee. But these committees, and will, I trust, be successful, as it had already been resolved on to give adequate redress, and I presume that they will not impair the favorable intentions which existed previous to their arrival.

The ratio between paper and the precious metals remains about the same as it was when I last quoted it. Foreign exchanges have received a sad stroke. Monsieur Cambon had declared, last June, that, by the first of January the exchange should be at par. As the measures of policy, on which his prediction was founded, had not met with all the success desired, it became necessary to supply the deficiency by force. You will learn with some surprise, perhaps, that all the funds belonging to French citizens in foreign countries have been put in requisition. Every man is called on to declare not only his own property abroad, but also that of others, which may have come to his knowledge the whole under the usual penalty of the guillotine. Such sums as are in a manner put in requisition is prohibited from being exchanged for money, so far as they can serve to pay expenses whatever. If this measure furnishes the expected resource, which I doubt, it cuts off all future hope. And if it does not furnish a very great resource, there will exist, in the national affairs, a deficit of serious magnitude; for they must face the demand abroad, or reconstitute the hope of supplies from hence; and on the expectation of such supplies depends the issue of the whole, and not of absentees.

It is a long time since I had the honor to mention to you Mr. Francis Coffyn, acting at Dunkirk as consul of the United States. This worthy man’s interference in the affair of the Little Cherub (which, by the by, remains yet undecided) has, through the intrigues of those concerned in the previous project of a French naval officer in prison as a spy, and Calonne’s talk about cases, brought it to the court of Calonne, while minister, on the affairs of the town of Dunkirk, which had, it seems, some demand on the court. I have, in his absence, desired his son to attend to the affairs formerly in the hands of his father, and as he is a man of business, and by no means deficient in understanding, I trust that he will be able to conduct them well.

I cannot, however, avoid repeating my wish, that consuls and vice consuls were appointed everywhere for, there is great need of them. It would have been happy had some one been named in this city, as consul, or by any other name or title, who might have followed up the committees, waited day after day in their ante-chamber, and the like, so as to puzzle them into decisions. The ministers, as I have already mentioned, stand in such a situation that they dare not push the committees very hard. You will easily see that I cannot quit the regular line of application through the channel the Government has thought proper to institute for the purpose. And, indeed, besides the impropriety of putting a person of this description in a situation of intriguant, or, at best, of a solicitor, I know that it would be a useless, as well as pernicious sacrifice of the national dignity.

I have been requested by some one to state the reason for that purpose; but I have many objections to that measure, among which is it so small one that I have not the right to it; and, moreover, the state of things has long been, and still continues to be, so critical, that every man having even the shadow of a public character, is liable to the danger of compromising himself every instant.

Hitherto, therefore, I have left every one to choose his own agent for the conduct of his business, because the blame, which must inevitably fall, will then lie on the individual. I say that blame, because I am not prepared to say from appeals to any good intentions, I venture to think there is no such thing, but that we are led by speculations, and imagine that nothing more is necessary, in order to realize them, than to bring forward something in the shape of an American. Facts are very different from such appearances.

I suppose that the new minister has, or shortly will have arrived at Philadelphia. I did not see him: for, just as he was about to take me into a dispute which put them all out of humor, although they were as possible they were wrong. It is not worth while to go into the history of it, because the affair is blown over, and because the conduct of men in the midst of a revolution is not to be judged so severely as under a regular government.

It is a long time since I learnt the attack of the Algerines, but as I knew that advice had been sent off to you, I did not mention it, not having an immediate opportunity. I shall have occasion to say something on the subject shortly.

I am, &c.

GOUGNEVER MORRIS.
DEAR SIR:—

This day last was of the 21st January. I am still without any advices from you since your letters by Captain Culver, which I attribute to the interruptions to which all communication with this country is exposed, and which, for that, among many other reasons, I much lament. Amid the political storms which vex this hemisphere, the opinion of the United States is the polar star which should guide my course, but which is totally concealed from my view.

Hokins, my imprisonment. I mentioned in my last, has been liberated. I mentioned also that there had been some feeble attempts to adopt lenient measures, and substitute a government of law to the present system; but hinted, at the same time, my apprehensions lest they would prove unsuccessful. I have been justified, for the late decrees, that this prediction was founded on a mistaken opinion, and that entire reliance is placed on severity and the resulting fear. This may, perhaps, succeed, but is exposed to a double danger. First, it facilitates the intrigues and the operations of the foreign enemy, by exciting attachment to the former, and aversion to the present Government; and, secondly, it is a manifest violation of the principles laid down for an abject submission to an usurper, should any such arise in the course of successful war, either civil or foreign.

I have mentioned Mr. Paine's confinement. Major Jackson—who, by the by, has not given me a letter from you, which he says was merely introductory, but could not frame it with the care and accuracy required de Sûrèté Générale, as a letter addressed to a foreigner, and must, if he were to get Mr. Paine out of jail, and, with several other Americans, has presented a petition to that effect, which was referred to that committee and the Comité de Salut Public. This last, I understand, slighted the application as totally irregular; and some time elapsed before the petitioners procured an answer for an active submission to an usurper, should any such arise in the course of successful war, either civil or foreign.

The minister's letter to me, of the first Vendee, of which I enclose a copy, contains the answer to my reclamation. I sent a copy to Mr. Paine, who prepared a long answer, and sent it to me by an Englishman, whom I do not know.

I told him, as Mr. Paine's friend, that my present opinion was similar to that of the minister, but I might, perhaps, see occasion to change it, and, in that case, if Mr. Paine wished it, I would go on with the claim, but that it would be well for him to consider the result that, if the Government meant to release him, they had already a sufficient ground; but if not, I could not permit him to embark on his own business abroad, as a Frenchman, or as an American, he must be amenable to the tribunals of France for his conduct while he was a Frenchman, and he may see in the fate of the Brissotins, that to which he is exposed. I have heard no more of the affair since; but it is not impossible that he may force a decision, which, as far as I can judge, would be to his advantage, for he had a more reliable character than the individual lately the intertempore use of ardent spirits has, I am told, considerably improved the small stock which he originally possessed.

The plan communicated to you of requisition on all bankers, merchants, and others, to furnish bills for their funds on demand, and receipt payment in assignats at par, has totally failed, as might have been supposed. It was the boy in the fable who killed the goose which laid golden eggs. As a succedaneum, they have obliged the same people to execute joint and several obligations (bullets solidaires) payable to the bearer for fifty millions of livres, say a forced loan of two millions sterling. These are to be negotiated in foreign countries, and the nation agrees to take them up again hereafter. What is somewhat extraordinary is, that a few of the moneyed men seem to believe in the success of this measure; but I own I can scarcely conceive of it: for, if foreigners believe in the ultimate success of the republic, and in the integrity of her future government, the intervention of private credit would be unnecessary; and, if not, it would be strange that such a large public overture should meet with such indifference from the individuals who have signed, must defeat all hope of recovery; and because, if the republic, succeeding, should be deficient in her integrity, the individuals would be, of course, covered by law against all judicial pursuit. Add to this, that there is a kind of popular prejudice against assignats, by which the richest men bind themselves for four times as much as it is worth. On this pin, however, is suspended, for the present, all hope of facing numerous and pressing engagements for indispensable supplies from abroad.

I told you in former letters that I apprehended a great scarcity of food for the present, or rather the coming campaign, should the allied Powers persist in their hostility. They do persist, though the King of Prussia, taking advantage of circumstances, insists on being paid for the blood of his subjects. Food is already very scarce. Flesh is hardly to be obtained in Paris, and the drought of last summer reduced the crop of garden produce so low that it is now nearly exhausted, and will require addition to be expected for three long months.

The enemy is collecting himself for an immense effort on the northern frontier. The troops of the republic have long been assembling in the same quarter. Will the supplies be sufficient for the army and for the capital? That is a question of serious magnitude. If Paris runs short, the revolution is done. If the army disbands, the game is over. I apprehend, in the year 1792, that matter will have been settled for it in vain suppose that that terror was, by superior force, to receive a counter direction, the Austrians or any other regime, would, I think, be submitted to without the slightest struggle.

The Vendee, so often and so totally destroyed in reports made to the Convention, seems still to exist, and to wax more formidable every day. The accounts of the revolt, for instance, that five thousand men should collect an army in that quarter, I believe it will become, on both sides, a war of extermination. Torrents of blood have already been shed there, and, if the accounts from thence be not greatly exaggerated, another campaign like the last would convert the country into a desert. Barère, in assigning, at the bar of the Convention, a terrible severity, said, that the Vendee, which up to this time is weekly with six hundred large barge, now wants provisions!

I have often had occasion to mention the embargo laid at Bordeaux, and the sufferings of our countrymen conse- quently. It is said that the departure of a large third-rate will restore the embargo.

The day preceding their arrival the minister told me that every thing should be settled to my satisfaction in two or three days. The deputies, to whom I communicated this intelligence, seemed very apprehensive lest their claims for damages should be referred to persons on the spot, which, I own, appeared to me both fair and natural; but fancied at the same time, that they were determined to have every thing adjusted in their own way, and were well convinced that their representations must have the desired effect: as they seemed, moreover, to be filled with suspicions of Mr. Fenwick, which seemed to me ill founded, and therefore very liable to adopt them in respect to any other of the public servants, I thought it best to leave the matter to their own management. I asked them, therefore, what they wished me to do, after having shown what had already been done. They hesitated a little, as is usual when men have not thought of any course of procedure before they begin to act. They desired an introduction to the minister, which I immediately gave, and they
to him next day, but came back much out of humor. They afterwards presented a petition to the Convention, which was referred to the Committee of Public Business, and there the affair seems to have ended: for all their urgency to that committee has not got them one inch forward.

I apprehend that they may have injured their own claim, by interfering unnecessarily in other matters one instance of which I shall presently have occasion to mention. They have at length called on me to make new demands, though they are not aware of the change in the dispositions of their masters. I expect that they would have gone back, but find that they determine to remain still longer in Paris, which may, I fear, prove detrimental.

However, on the 27th of last month, the day after I received their letter, I wrote to the minister on the subject. I sent with the copy of the letter a postagent's receipt, remarking that the demand had been made by French frigates, contrary not only to our own treaty, but to every principle of the law of nations. These captures create great confusion, must produce much damage to mercantile men, and are a source of endless and well founded complaint. Every post brings me piles of letters about it from all quarters, and I see no remedy. You had perhaps some difficulty in getting out a ship during the late war, but you may be very long before it can be obtained. And, in the mean time, if I would give way to the clamors of the injured parties, I ought to make demands very like a declaration of war.

What are the affairs of such captures to me to guess the intentions of Government, and, indeed, sir, the responsibility is great and distressing. Our countrymen here find that it is the easiest thing in the world to carry any point with the committees, until they have tried. In the mean time, I am exposed to their clamors in this country, and most probably to their censures in my own, for not performing impossibilities. In order to complete the business, nothing more is necessary than that the rules of this republic, wearied with my complaints, should apply for my recall, in order to get rid of a troublesome fellow. I think it is very likely to happen, if it be not already done. I beg your pardon, sir, for saying so much of myself, but it is a troublesome thing to navigate in the dark between Seylly and Charybdis, without chart or compass.

I send you enclosed the copy of a letter I received on the 5th of last month from a number of Americans here, (including therein some of the Bordeaux deputies) with a copy of my answer of the 6th. I sent copies of both to the Minister of Foreign Affairs, and called on him shortly after to mention several things, some of which I have already mentioned. Among them was the long depending affair of the Laurens, at Havre, which was made in her case, violating our treaty. I took occasion then to mention again, what I had said in answer to the letter from my countrymen, viz. that I was in hourly expectation of instructions respecting those decrees. I told him that, until they arrived, I should forbear any formal application; but, under the existing circumstances, I would, in a friendly spirit, wait an interval in which the Government might have time to better anticipate the arrival of those instructions, and by a voluntary step preserve an air of dignity and good faith. But it, on the contrary, they meant to insist in the violation, then it would be well to consider the events likely to take place, and to provide for them in season. He felt much obliged by this mode of treating the affair, and told me that he would give me a more favorable opportunity in the case of the Laurens, and that he would endeavor to procure a speedy and satisfactory decision.

You will find herein the report made by Jean Bon St. Andre, which is fully confirmatory of the treaty. Some little matters (errors) of form have imposed the execution of the final decision, and the communication which he is to make to me; but I thought it a proper moment to bring forward the case of the Enterprise, which is the subject of the above mentioned letter from Ingraham and others to me. I, therefore, having previously concerted measures with the minister prepared a short petition from Captain Ingraham to the Comité de Salut Public, as an appeal from the decision of the executive council, and sent it to the minister, who forwarded it to the committee, and intends to support before them the principles of the petition, and labor for a reversal of the judgment.

I send you enclosed the copy of my letter to the minister, of the 25th of last month, respecting the imprisonment of our vice-consul at Havre, and of his answer. I shall pursue this business to obtain his liberation. Poor Cadyn is still confined.

While on the subject of violations of personal liberty, it is proper to communicate a step, which late circumstances induced me to take. I have already hinted at a little dispute I had with the Comité de Sécure Générale. It arose about the arrest of a person in my house. Particular reasons prevented me from pushing the matter to a serious issue then. I shall, perhaps, take occasion to communicate them hereafter, when I am sure of my conveyance.

The committee were made sensible that they had done wrong, and that was all which I thought necessary.

They have since (though not towards me) gone greater lengths, by arresting the chargé d'affaires of Malta. This rendered it proper to make a more pointed animadversion on their conduct, and produced the enclosed pieces of the 27th of February. The minister's answer, of the 11th Ventose, is also enclosed, and I find by the gazettes, that on the report of the Comité de Salut Public, a decree has been passed in the premises, of which I have not yet received the information from the minister.

The Comité de Salut Public and the Comité de Sécure Générale are not, I am told, on the best terms together, and will probably come to something more overt than words ere long. It is of little importance under what forms parties or factions may present themselves; their real origin is in the political form of the society; and if any thing prevails, it is in the long run of party advantages. It is in that character that the approaching famine will be the signal for hostilities between the contending parties; but it would seem not over prudent in any man, or set of men, to aim at power under present circumstances.

I am, &c.

THOMAS JEFFERSON, Esq. Secretary of State.

SAINT-ONGE, April 10th, 1794.

My Dear Sir:

In a letter which I had the honor of writing to you on the 10th of January, 1793, I gave you some traits respecting M. Westermann, and as my public despatches had already communicated the plans of Danton, you will not have been surprised at what has lately happened to them. I wrote to you on the 25th of June, that those who ruled the Government then, that is to say, that those who were supposed to have the power, that those who were supposed to have the confidence of the people, were such as I should have wished to see in government; and among those, M. Westermann, with good luck as by good management, and that, at any rate, part of the crew would be thrown overboard. Those I had then particularly in view were Chabot and company, of which company a part still exists.

I observed that the nature of the event was bad, and added what seemed to be the probable termination. I therein observed that, whether France would pass to that point through the medium of a trumvirate, or other small body of men, seemed as yet undecided; but that I thought it most probable she would. At that period things were wound up very high, and, ever since, the utmost uncertainty has prevailed, as a strong state, as on the point which we are come.

I enclose herein a copy of what I wrote on the 12th of last month, since which, both the Dantonists and Hebelists are crushed. The fall of Danton seems to terminate the idea of a trumvirate. The chief who would in the beginning, by the union of the rights of the Idea and of the People, would seem that the high road must be laid through the Comité de Salut Public; unless, indeed, the army should meddle. But, as to the army, no character seems as yet to have appeared with any prominent feature; neither is there so much discipline as would give an aspiring character just ground of hope. It is a wonderful thing, sir, that, four years of convulsion, among four and two millions of people, has brought forth no one, either in civil or military life, whose head would fit the cap which fortune has woven.

Robespierre has been the most consistent, if not the only consistent. He is one of those of whom Shakespear's Caesar speaks to his forlorn companion: "He loves no spars as thou dost, Antony." There is no imputation
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against him for corruption. He is far from rich, and still farther from appearing so. It is said that his idios is ambition has led me to think that the establishment of the republic would, all things considered, be most suitable to him. Whether he thinks so practicable, which I will not pretend to answer, nor how far such establishment may appear to him practicable. If it be supposed that a man in his situation should absolutely despair of the republic, and have recourse to the only other foreign alliance, as a means of maintaining, much less of preserving, the supreme power, then it might be supposed that Danton's plan would be by such person carried into execution. Yet all this supposition is but conjectural formation of new conjecture.

And what are the allies about? Forming schemes to be executed, if they should continue to be allies. I am, &c.

GOUGUENEUR MORRIS.

To GEORGE WASHINGTON, President of the United States.

My Dear Sir:

This letter will accompany the duplicate of my last to Mr. Jefferson, of the 6th of March. Be so kind, I pray you, as to let him know, which of my letters are missing. I presume there must be great claus in my correspondence. I have received the acknowledgment of very few of my letters; and yet I have written always by duplicates, frequently by triplicates and quadruplicates.

Permit me, my dear Sir, to congratulate you on your appointment. It is honorable to you, and, I believe, useful to the United States. The more so, as your convictions respecting our form of Government will restore that harmony to our Executive departments, a want of which gave much pleasure to the enemies of America. I flatter myself, also, that your habits of attention to business will produce a more active correspondence with the public servants abroad.

The senator did me some time ago to mark the state of depreciation to him; which I continued to do, but omitted in my last, because it continued nearly in the same situation as when I last communicated it. The fact is, that there is now no certain or steady rate, because, as you will see by the gazettes, dealers in that business are frequent changes of rates, put in, and pull out, and change them on different days, which makes any thing to be paid on payment in specie; and yet bullion is higher than it was before the assignats were issued. The exact rate I do not know. Louis d'ors, I am told, are much higher than they were, owing, as I have formerly mentioned, to the greater facility of conveying or transporting them.

I can only point out that there is something very like a famine, which has indeed in many parts put on its most distressing forms. Men have literally expired for the want of food, with the means of buying it in their possession. It can be bought. Luckily, or rather providentially, the season advances with a rapidity which might have been expected from the very season; and, what is more, I receive information of a phenomenon. Apricots as large as a pigeon's egg, in the middle of April, and that in the latitude of forty-eight to forty-nine. These facts, which, in common cases, would be more properly communicated to an agricultural than to a minister of State, are of vast importance: for the great bulk of this nation live chiefly on vegetable substances; and in the south, where the scarcity was greatest, I presume, from what I see here, that the earth begins to furnish a tolerable support to its inhabitants. A frost, such as we experienced in the end of last May, would do more towards the starvation system than all the armies and fleets in Europe.

In my last letter I concluded that the present situation of America, persisted in this state, would ruin his plan for his country. I am still of the same opinion, though it is confidently asserted that he means to withdraw, leaving only his contingent as a co-state of the empire. His past conduct gives no room to suppose that a sacred regard to his engagements taken would prevent him from abandoning his allies; but I think there is a stronger tie of a common interest, Austria and England, particularly the latter, are more pointedly interested than he. I conclude, therefore, that the business will wind up by a good round subsidy, (perhaps a million sterling) and in consequence of it a very large body of Prussian troops added to the army in Flanders.

By garrisoning a few posts along the Rhine, and leaving the country exposed to incursion, the allies will force the German militia to defend themselves; and as to the ravages which may be committed, a few casual phrases will, perhaps, be the only compensation which the sufferers will ever receive. If this conception of the business be just, the Prussian cabinet will keep up the idea that it means to recall its armies, until the last moment, and those armies will then turn off, or, in the Low Countries, or perhaps be transported by water. Something or other of an extraordinary nature in agitation on both sides: for the armies have been long looking at each other, without striking, or even aiming a blow. I have no doubt but the allies conniv at the public discontents here, and certainly they have some foundations but as, on their side, there is no one chief who can act decisively, or form solid engagements in a way that it is not probable they will take the advantage of those discontents which certainly would not escape the intelligent mind of a Caesar or an Alexander.

In the course of my correspondence with your predecessor, I have endeavored to communicate to him my views of men and things, and to prepare his mind for events which I feared might have a course of time taken place. This is what I conceived to be one of the most important duties of my station; and if I have not been more full and particular, it is because the names of those who, in their turn, were to rule and to perish, seemed to me of secondary moment; and because, judging, in my lamentable dearth of intelligence, from such feeble lights as I could collect in scattered rays from different quarters, it seemed to me that my letters would, therefore, be more acceptable, had I been deceived as to facts and probabilities, or capable of communicating sentiments and opinions I did not entertain.

It has appeared to me that Paris decides for the whole of France, and that the sans culottes (alias populace) decide for Paris; that, of course, factions would continually arise, waging inexplicable war with each other, and that the momentary influence of each, being founded on fear only, could not take on any stable form, or possess any durable existence; that each new stroke of the guillotine would weaken the force of liberal sentiment, and, consequently, the advantage of the forces of a free and constitutional state.

I must repeat here, that plots and conspiracies are not to be attributed to the genius and temper of those who plot and conspire, but to the state of society: for it would be, I think, inconceivable, to imagine that, in a given number of individuals, born in different conditions or places, there should be a very great disproportion of talents and qualities. It seems more regular to believe that, in a virtuous and just society, the good qualities are drawn into action, and the bad repressed by despair of success; while, on the contrary, in a depraved and vicious society, the good must remain inactive for the want of confidence and support, while the bad, released from the fear of observation, find a fine and populous field for the exercise of insidious power, of which each individual pursues his personal interest unrestrained by moral principle.

After this preamble, which might better, perhaps, have been spared, I proceed to mention, that many different schemes have been, I think, carried on to destroy the existing Government. As to the idea that foreign Powers excited the parties, I am not disposed either to adopt or reject it. I do not consider it as being at all necessary to the formation of a conspiracy, although very necessary to the destruction of those engaged in it. I explain: The pride of the people anciently at all times gave rise to factions, and the perfidies of their vassals, which would be called rebellions, and all its committees, thrown into the river; and therefore it is useful to oppose that pride, by stating every attempt to overturn the Government, as originating with the foreign foe. And I remark here, that, in the different reports made respecting these conspiracies, and the accusations against those engaged in them, it is as it were taken for granted, that the people would quietly submit to those who, by a coup de main, should put themselves in possession of self-created power.
I do not say that this is true, but I have no doubt that a certain duration of general terror, as the basis of a system of government, must inevitably produce that effect. The period of duration, required for any particular nation, with regard to its particular character, but more on the morality of the people. To reason, therefore, a priori on this subject, our ideas must take on as much of an algebraic as logical form.

In examining historical facts, on the contrary, we are too apt, I think, to ascribe to individuals the events which are produced by general causes. The two factions lately crushed may be called the Dantonian and Hebertist. I hope that you have seen, in the former a combination with foreign Powers, in the latter a collection of enthusiasts, to produce a victory over the government, which they were glad to believe that Danton feared from them, and hoped from those who destroyed him. The Hebertists, however, may be considered, I think, as the anti-Conventional, and the Dantonists as the Royal faction. I except always for the various changes which have taken place; if I am disposed to make a little, if any, share. The more ardent spirits among them flew off long ago, either into foreign countries or the Vendé. I speak in generals, not universals. Those who remain are of that waxen substance called the men of property, who in foreign wars count so much, and civil wars so little.

Danton always believed, and, what is worse as to himself at least, always maintained, that a popular system of government for this country was absurd; that the people were too ignorant, too inconstant, and too corrupt, to support a legal administration; that, habituated to obey, they required a master; and that, even if they had been educated in the principles of freedom, and joined to the energy of sentiment the force of habit, yet, like ancient Rome, they had reached the period in which Cato was a madman, and Caesar a necessary evil. His conduct was in perfect union with these principles when he acted; but he was too volupturn for his ambition, too indolent to acquire supreme power. Moreover, his object seems rather to have been great wealth than great fame. He has fallen at the feet of Robespierre.

As to the Hebertists, whatever may have been the ultimate view of some, I presume that the greater number had nothing more in view than a second edition of the 21st of last May. The destruction of all these chiefs has given great power to the Comité de Salut Public, whose monthly renewal is so much a thing of course, that they may be considered as a permanent body. Hence it follows, that the next considerable party ought to arise there. The Hebertists believed the Convention to be so low in public opinion, that they could overturn it without the aid of its own members. They were deceived, or at least they were anticipated. The Dantonists supposed, that, in the want of respect for their chiefs, the farmer of his neighbors would, if I am permitted to say it, have a little, if any, share. The more ardent spirits among them flew off long ago, either into foreign countries or the Vendé. I speak in generals, not universals. Those who remain are of that waxen substance called the men of property, who in foreign wars count so much, and civil wars so little.

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To EDMUND RANDOLPH, Secretary of State.

I have, &c.

GOUVERNEUR MORRIS.

Paris, May 6th, 1794.

DEAR SIR:

This will accompany duplicates of my letters of the 15th and 18th of last month. The season continues fine and forward, with every appearance of an abundant crop; and, judging from the productions now at market, the harvest will precede the usual time near a month.

You will see in the gazettes the taking of Landrecy, and the foreign papers, particularly the English papers, will give you the details on that subject which we want. There has been much fighting in that quarter, and although, as is usual, the success may have been varied, it appears definitively to have rested with the allies, seeing that they have not been forced to raise the siege, but have taken the town.

I am told that the republic now feed ten hundred and thirty thousand infantry, and ninety-four thousand cavalry. This is an immense army, even on paper; and although we may easily suppose that there is some exaggeration in the numbers given, and that some abuses in the administration, and that casualties diminish considerably those numbers really on the rolls, still it will appear that the force is very great. The daily expense of the provision department is about a million of dollars.

I learn, also, that the Comité de Salut Public have agreed to be unanimous, so that the minority always were to the majority, and that of Sureté Générale must, I think, be either melted into one, or else have a contest for superiority. At present, the efficient power of the State is lodged with those committees, and the former begin to publish their decrees, which have the force of laws, modifying, adding to, and repealing, those of the Convention, which for the most part have not yet fully appeared in the extent of the new authority that has been given by the wide and deep effect of the terror which has been exercised by such frequent and abundant executions as take place throughout France. I think they may do what they please, provided the revolutionary tribunals remain in their places. We shall see what system is to follow therefrom.

I am told that Robespierre's wish is to return to private life, so soon as the peace shall have established that form of government which may be finally adopted here.

Enclosed you will have the copy of a letter of the 23d of April, from Mr. Anderson, at Nantes, to me, and of my answer.

I am, &c.

GOUVERNEUR MORRIS.

To EDMUND RANDOLPH, Secretary of State.

Sandymount, May 31st, 1794.

DEAR SIR:

This will accompany a duplicate of my last of the 6th instant, also copies of my letter of the 10th instant to the Commissioner of Foreign Relations, of his answer of the 4th Pririal, or 3d instant, and of my reply of the 8th.
You will perceive that Mr. Warden had been so imprudent as to lodge the despatches entrusted to his care with the justice of peace at Morbax. This was done by the advice of John Dicot, acting there as consul agent. Whether that advice is to be attributed to ignorance or design, I know not but it might easily have been foreseen that he despatch would not be safe. I hope your despatches are in cipher, if they contain any thing which is not of a very public nature.

The gazettes will communicate to you such intelligence as we have here, and you will obtain from other channels much fuller and earlier intelligence, as to what is called news, than which it is in the power of man to give you. This letter may be long ere it reaches you, for I have not any present opportunity; and such is the state of things that, unless letters be committed specially to the care of some trusty person, there is very little chance that they will ever reach you.

I have not received a line from you, nor from your predecessor, posterior to the despatches by Captain Culver, desiring M. Genet's recall.

We have had a sort of novel, or farce, lately, the subject of which was, that certain commissioners had arrived from America, and gentlemen of the name of Jefferson, Monroe, and Madison, in the garden of the Louvre. Mr. Jefferson is one of them, that he has been in Paris, and is gone to Switzerland, where a Congress is to be held of the neutral Powers. And, what is more extraordinary, this intelligence comes through a confidential channel, in general well informed. Now, as I do not conceive it possible that any commissioners from the United States should arrive in Paris, or that any of those gentlemen, with one exception, should have arrived in France, I, who know the character of that gentleman, doubt the invention lies, and also what can have been the object: for, as to foreign Powers, they cannot be the dupes, and, as to the people here, they think more of the guillotine than of any thing else.

In my last, I mentioned to you the omnipotence of the two committees. Apparently, this term is applicable only to that of Saint-Public; but the inquisitorial powers lodged with the other (and by means of which they can arrest whom they please) give them great weight in the general scales. It is, I presume, needless to repeat what is mentioned to me, that the Convention, as well as all those other authorities, who once could influence its deliberations, view with jealousy, but with apprehension and deep awe, those colossal pillars of the republic, which they have raised, or permitted to be raised. This, as well as the ferment inherent in the nature of all such bodies, you will certainly perceive at the first glance, and your judgment will seize the remote consequences intuitively. On my part, therefore, it is more fitting to observe that these consequences are more remote than might be supposed. A conspiracy which took place in 1792, against the liberty which all fortant nations believe especially such as is founded on fear, and the certainty of complete ruin, should they be overthrown, will long smother all minor discontent: moreover, the apprehension from the foreign enemy will, in my opinion, both promote their concord and support their power. You must imagine that my state of mind is such, that I may be a little of the last, for I am the last, in respect to France, to be intercepted by Lord Howe; it might cause a great commotion, because it would undoubtedly affect the subsistence of Paris, and no individual will take on himself any responsibility respecting that object. Hence might arise criminalization and recrimination, of course discord, and all its consequences. If no exterior causes should preserve union, a very little experience of human affairs would enable you to see how it could not last.

This leads me to say one word about the northern army, premising that all the other armies, taken together, are but trifling diversions. The late arrangement made by Mr. Pitt with the King of Prussia, by concentrating the interests and objects of the two chief Powers, Britain and Austria, given in more correspondence to the war on the part of the former, and to the measure put out, it might have been the Convention had pleased, at all times, that all the magic of the revolution is contained in the single word Paris. Now, the high road to that city is from Flanders, by Valenciennes, Landrecy, Cambrai, &c. If matters are to be decided in the plains of Picardy, numerous, in truth, but little in the way of a formidable cavalry. You will see that this is the sphere of the British and Hanoverian troops. The Austrians are already but little disposed to give quarter. The corps of emigrants and deserters will naturally sell their lives as dear as they can. This campaign, therefore, will be one of the bloodiest in the annals of history.

I am, &c.

GOUVERNEUR MORRIS.

To EDMUND RANDOLPH, Secretary of State.

SAnFORD, May 31, 1794.

DEAR Sir:

I have already written to you a letter this day on the current affairs. This will be devoted to a different object. I have lately seen in a gazette your report on the inquiries received from the belligerent Powers, and also some of the despatches of Le Roy, in which he mentions the promised commercial treaty, and those with whom we have none. I observe that some frigates are to be built, for the protection of our trade. These things have suggested, or rather recalled, ideas which I will venture to communicate, at the same time giving you my particular reasons.

While I had the honor to sit in Congress, during the war, it was my lot to oppose what then appeared to me a rage for treaties; and yet the respectability which our cause was supposed to acquire by the acknowledgment of European potentates, ministered in favor of those who wished to extend our diplomacy. At the peace, however, that ground of argument was removed. Moreover, we found ourselves in a situation unfavorable to the forming of such treaties, because there was no constitutional authority to enforce the observance of them. Those Powers, therefore, who might contract with us, were exposed not only to the common danger of a wilful violation on our part, but to that also of general non-performance, and of individual injury, without the permission, and beyond the control, of the Government. The obligations, therefore, being equal, it was not deemed prudent by some to enter into engagements with the United States; and thus we felt ourselves sinking beneath the level of national character.

Our new constitution made ample provision on that subject; and, if I mistake not, a steady adherence to its principles will place us first in dignity, as in good faith, among political societies. Our treaties now amount to the supreme law of the land, and, therefore, our situation in respect to foreign Powers is reversed: for they can violate their contracts with us, but we cannot violate our contracts with them; neither have we, perhaps, any constitutional means of annulling our obligations, when they shall have broken their engagements. I will not here inquire how far we are now justified to make a provision of that sort, as an amendment to the constitution of the United States; but I need not in effect destroy the clause which has rendered treaties on our part inviolable; but I will venture to infer from this, our relative position, that we should be cautious what treaties we form, and with whom. What treaties, because much more than a mere contract, they are, or at least appear, to us in the same manner, as other treaties are to those with whom we have contracted, they may release themselves. We should be cautious also, with whom we treat, because, in the contingency last stated, some nations will release themselves, and others will not. Now, in political, as in natural bodies, decisions of the will depend, so far as good faith is concerned, on moral character.

We have at present to complain that both Britain and France have violated their treaties with us. Yet I can by no means consider the cases equal; for, as to Britain, the act proceeded from cool meditation of regular government, and is so calculated as to be of no effect on the other nations. Without dwelling further in this distinction, I shall endeavor to state those objections to the multiplication of treaties which formerly swayed my opinion; and, first, it is no small one that we should be thereby drawn into the vortex of European politics, which we should, I think, avoid as much as possible. Not that we should be wholly uninfluenced by its consequences; but this has been proved forcibly that the American people, in consequence of the common wishes, to their common concerns, to their own advantage, might be so far influenced by the influence of the common law, in that all cases heretofore doubtful have been settled by able judges; whereas, each treaty, like a new statute, gives rise to intricate questions, and the ultimate mode of determining them makes a good mind shudder.
Thirdly, it has also appeared to me that in most contrivances between European Powers, we should preserve an exact neutral character, and having entered into this treaty, I am safe to leave them to adjust their balance of forces, even to the death, because it is my opinion that the scales should prove too heavy for us, the means of lightening it are at hand, and completely within our grasp. Now I am convinced that a neutrality may be most easily preserved, when no belligerent Power can rightfully claim any privilege; because, by conferring such privilege at our pleasure, we can sufficiently punish either of the parties for the injuries and insults we may then conceive them to commit.

Lastly, I cannot but think that our present, compared with our future situation, is such that, in treating now, we must make bargains, even were there any tribunal to enforce the performance in a peaceable way. The panic of our affairs, the apparent necessity of forming and restoring the want of naval and military force, even the extent of our domination, which is, from that circumstance, of doubtful efficacy to defend, and even to prevent others from gratifying us, as I have before said, in ten years, or tolerable in twenty. Whatever may be the intrinsic worth of these reasons, certainly they might train that morality of our national constitution, which has been proved to be most useful, for the sake of its great and natural qualities. This constitutions was made subsequent to our existing treaties, and even after the violation by Great Britain of that which concluded the war. Happily she has hitherto eluded a compliance, and thereby prevented the formation of a commercial treaty. I say happily, for I am persuaded that, in a few years, we shall have occasion to rejoice, and perhaps may have occasion to regret for ever, the occasion we have prevented her taking advantage of it.

We complain justly, also, that France has broken her treaty with us, more especially to confiscate goods of her enemies on board our ships. This decree is evidently against her own interest; but, in my opinion, the clause, that it be so, is the means that free ships make free goods. The argument against and for are familiar to us, and therefore, I shall not enter into them. But the fair conclusion of that favor to it goes to a protection of all commercial property on the ocean. Therefore, the maxin, even were it just, would not be generally admitted until the practice of making prizes were wholly abandoned. Then all such clauses in treaties would be superfluous, and until then, unless enforced by a strong marine, they will be nugatory.

But it seems to me, from the view which I am enabled to take of our commerce, that, however the transportation, in our ships, of goods belonging to subjects of a belligerent Power, might prove a momentary advantage to our merchant, it is injurious to our great interests. I take it for granted, that our shipping is not sufficient to pursue by the sea the dealings of our respective states. But it is not sufficient to pursue our own commerce. We have therefore to employ others. I would reason thus: By putting half of the navigation employed in transporting our own productions into this neutral carrying trade, half of those productions must remain on hand, or be transported by the belligerent navigator, who promises to sell them to us, at a liberal rate. And is it not possible, to him to ship the produce of our farms, and the produce of our fisheries, and employ the others in the same neutral carrying trade. Now, if this reasoning be just, on the grounds of our shipping, the want of shipping, of how much more forlorn is it in the fact of an insufficiency. But it may be said, that the neutral carrying trade, by giving encouragement to our shipping, would greatly increase the amount. I answer, of our fictitious shipping, the mercantile navigation, under the protection of the state.

Moreover, I state hypothetically, either we have the tonnage needful for our commerce, or we have not. If we have not, the increased freight of our own commodities will, in time war, be a sufficient encouragement, and draw into that channel as much of the national strength and wealth as is consistent with the general welfare, and more, if we enchain our views to all the moral effects of a commercial interconnection, and I should reason thus: By putting half of the navigation employed in transporting our own productions into this neutral carrying trade, half of those productions must remain on hand, or be transported by the belligerent navigator, who promises to sell them to us, at a liberal rate. And is it not possible, to him to ship the produce of our farms, and the produce of our fisheries, and employ the others in the same neutral carrying trade. Now, if this reasoning be just, on the grounds of our shipping, the want of shipping, of how much more forlorn is it in the fact of an insufficiency. But it may be said, that the neutral carrying trade, by giving encouragement to our shipping, would greatly increase the amount. I answer, of our fictitious shipping, the mercantile navigation, under the protection of the state.

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FOREIGN RELATIONS.

General Washington to Governor Morris.

Mount Vernon, June 25, 1794.

My Dear Sir:

The sole object of the enclosed letter was to evince to you, that notwithstanding your recall, you held the same place in my estimation that you did before it happened. I expected to have got the letter to Colonel Monroe’s hands last week, in the vessel, in which he sailed, left the Patapsco river; but a fresh fair wind coming up, prevented its reaching him.

Since my arrival at this place, I have been favored with your private letter of the 12th of March, enclosing the duplicate of the 4th of February. For both I thank you. To common accidents, or to the interception of letters necessary for purposes that may be guessed, are to be ascribed those disappointments of which you complain: for I am almost certain that information of what was going forward in this country was regularly transmitted to you; probably, but not by duplicates; which ought to have been the case, for the greater certainty of getting it to you.

The 1st of May is, I believe, the real date of these communications. I have had one copy of Mr. Jay’s letter, but, in my opinion, the other is more essential. It would be of the utmost importance that of their coming to hand, will restrain me from going into detail at this time. I shall only add, therefore, to the acknowledgment of the receipt of above letters, that I am entirely ignorant of the source from whence, or the foundation on which, Major Jackson has erected his propositions, &c. &c. Never directly nor indirectly could he have derived them from me, for the best of all reasons; viz: That, not until some considerable time after M. Fauchet had arrived in this country, did I entertain an idea of the former, or contemplate the latter: for, until then, I had supposed you stood well with the persons in power. Sure I am, nothing short of evidence to the contrary, with the request that accompanied it, would have induced the measure. To Major Jackson I have never written a line, since he left this country, nor received one from him.

The prospective you have drawn is not very pleasing; but it serves to make one more anxious for a nearer view.

The affairs of this country cannot go amiss. There are so many watchful guardians of them, and such infallible guides, that one is at no loss for a director at every turn. But of these matters I shall say little; if you are disposed to return to it, I will leave you to judge of them from your own observation. My primary objects, and to which I have steadily adhered, have been to preserve the country in peace if I can, and to be prepared for war if I cannot; to effect the last, upon terms consistent with the respect which is due to ourselves and with honor, justice, and humanity, to all the world.

Mr. Jay, and not Mr. Jefferson, as has been suggested to you, embarked as envoy extraordinary for England, about the middle of May. If he succeeds, well; if he does not, why, knowing the worst, we must take measures accordingly.

I am yours affectionately,

G. Washington.

Sainport, July 93, 1794.

Dear Sir:

This will accompany a duplicate of mine dated the 31st of May. For the reasons mentioned in the beginning of that letter, I have not since written to you as I could have wished; but in the interim I have received yours of the 10th of January, covering one of the 3d from your predecessor. Having already expressed my congratulations on your appointment, I shall not here repeat, but only confirm, what I then wrote respecting it. But I will mention to you here, that by perusing Mr. Jefferson’s statement of our dispute with Great Britain, which is, in my opinion, a masterly performance, I hope his abilities will not be lost to the public.

At the same time, however, and with the same sincerity, I declare my belief, that the United States will gain by the change made in your Department. Without balancing different qualities and qualifications, a difficult and unpleasant task, it is sufficient that we may now hope for a union of counsel and action among the different members of the Executive; a thing which appears to me essential, and the want of which, or at least the idea that it was wanting, has, I know, been injurious.

If my several letters have reached you, they will have communicated from time to time the best view which I could form of parties, temper, and opinions, here. All these, however, are from the nature of things changeable, and it is only upon the final organization of a permanent Government, and view of the territory over which it is to extend that we can decide as to the prevailing interests, and the system which may thence originate. In all events, it appears to me, that Mr. Jefferson’s statement of our dispute with Great Britain, which is, in my opinion, a masterly performance, I hope his abilities will not be lost to the public.

The gazettes will communicate, ere this reaches you, the great success of the French arms. As far as can be judged here, the King of Prussia has, according to custom, played a double part, and his troops, instead of joining those of the other allies in Flanders, have remained where they were, while the French armies filed off to the left, and broke with irresistible impetuosity the Low Countries. These being quite open, belong always to the party superior in the field. As yet, this republic seems disposed rather to lay them under contribution, than to hold the possession; but, if Valenciennes should submit, a different determination might take place. However, the sieges needful to secure them as far as the Rhine would consume more time than remains in this campaign; for, besides Luxemburg, Maestricht, and the citadel of Antwerp, which are on central situations, the whole frontier of Juliers, Gelderland, Cleva, Dutch Brabant, and Dutch Flanders, are stack full of fortified towns.

I have in the course of the French arms being victories, of which I learn from common report. The justice of the British cabinet (whose sincerity the President is well acquainted with) will, I am persuaded, submit to the forcible arguments, which Mr. Jay is directed to use, for the nation is not now in a temper to instruct the world. As much more so to gain our assistance. But I will dwell no longer on this chapter, postponing all further remarks till the Government of this country shall have adopted a plan for her ci-devant colonies.

As to the interior affairs of France, one prominent and pleasant feature is an early and most abundant harvest. The weather has been uncommon, and, what is singular, is the ripeness of wheat, barley, and every kind of grain, and at the same time. In a few days, the whole of them will be ready for use, and they will begin to eat it; for there remains scarcely any thing of last year’s produce; so that if the present had not been fit for use till towards the end of the next month, as is usually the case, God knows what would have become of us all. The abundance of the present year extends to every object, forage, pulse, roots, and other vegetables, as well as grain. The vineyards also promise more liquor than the vessels to put it in. I conclude that we shall find little vent for our productions here, excepting our salted provisions, which must be in great demand. Moreover, I incline to the opinion that our vessels will not meet, hitherto, with the same vexations which have been hitherto experienced, so that exportations of salted fish and flesh
may, I think, be safely encouraged for this country. To these may be added pot and pearl ashes, some flax seed and rice, also fish oil; and in payment our merchants will receive wines and brandies.

There is at present a considerable ferment of parties, whose object, on the one hand, is to overturn, and, on the other, to preserve the colonial power of the two great committees. Sooner or later that ferment must lead to an explosion, and the apprehension from the foreign enemy being greatly lessened, men turn more easily to the consideration of their domestic system. By a late decree the committee of Salut Public has secured to itself the promotion of one-third to all places in the army, which is a strong hold of that unwieldy instrument, and let it alone or later it must, unless dissolved, escape from the grasp of a multidinous body. Such is the law of nature; but that catastrophe is yet at a distance, and depends, I think, on the continuance of the war. Probably, before it happens, the committee will no longer exist in its present form; for the mass of power there collected will, in the natural course of events, get away. Men will have no longer the inclination to abuse that power to their own ends, to increase it by severe and frequent exercise, so as to destroy all opposition, will generate in its bosom the causes of change. These are evils resulting from that state of violence in which society now exists, because in such a state nothing can obtain a firm foundation, and how long this may continue, God only knows. Hitherto power and property are at war, and the latter is a daily victim; whereas it is their union which can alone establish permanent systems of Government.

Mr. Jefferson's letter of the 13th of June, 1793, reached me above a year after its date. Immediately on receipt of it, I wrote to the Commissioner of External Relations the letter dated the 21st of June, of which I enclose a copy, as also a copy of his answer of the 19th Messidor, or 7th instant, from which you will learn that the million oflivres, hitherto unaccounted for, was received by M. de Beaumarchais, and, of course, ought, in a new statement of his accounts, to be carried to his debit at the date. The operation will then, in all probability, be such as to eat up the balance reported to be due to him. I hope this information may reach you yet in season. It would have been transmitted long ago if, by good fortune, a copy of that letter of the 13th of June, 1793, had been sent by Captain Culver. I trouble you, sir, with copies of my letters of the 23d and 29th of last month to the Commissioner of External Relations, his of the 16th Messidor, or 4th of July, and of one just received from him of the 20th Messidor, or 15th of July, from which it would seem that my numerous complaints are at length to be attended to. I am inclined to think that this will happen, and I am persuaded that, in proportion as our administration is firm and united, it will be powerful at home and respected abroad. I am, &c.

GOUVERNEUR MORRIS

To EDMUND RANDOLPH, Secretary of State.

P.S. In making up my letter it occurs to me that I had no notice of the strange complaints made against me by M. Genet, in his letter of the 15th of last September to the Secretary of State. I do not think it worth while to enter into the investigation of them; and the more so, as the falsity of some, and the folly of others, are evident from facts in possession of your office, and from the style and nature of the complaints themselves. But, while on this subject, it may not be amiss to mention that, during the last winter, in conversation with the then Minister of Foreign Affairs, (who, I am pretty sure, had instructed M. Fauchet to solicit from me, in the person of messieurs, for my removal) I told him that, if this Government wished for any person in my place, the best way would be to tell me so, and I would apply for my own recall. He answered by assurances of esteem, &c, &c.

SAINPORT, June 31st, 1794.

SIR: During the last war, France furnished several sums of money to the United States of America, both under the head of loans and that of gratuities. The first of these advances was a million of livres, and it appears to have been made on the 10th of June, 1776. It is entered among the gratuities, but it is not known to whom it was paid, nor how it was appropriated. Doctor Franklin, in settling the accounts of the United States with the French ministry, neglected to ask for these papers which relate to this subject; and afterwards, when the banker of the United States applied (in the months of August and September, 1780) to M. Durival, in order to obtain them, he assured him that he had communicated the request to the Comte de Vergennes, who said that the receipt in question could be of no use to the banker, since he was not entrusted with the pecuniary affairs of the United States till January, 1777, and that this payment was made on the 10th of June, 1776.

Our ministers were also given to understand, that it was useless to urge the demand for a paper in proof of a payment, which would be of no account in the reimbursements to be made by the United States, Dr. Franklin concluded from this, that the advance had been lodged in the hands of M. Beaumarchais, and that it was a cabinet mystery, whose elucidation ought to be a matter of indifference to us, at least till it became necessary to set this sum against the demands of Beaumarchais for the supplies which he had furnished to the United States.

This occasion has now arrived; but without this you will perceive, at the first glance, that the payment having been acknowledged by the United States, the receiver, whoever he may be, is ought to give them an account of the manner in which he employed it. Besides, mysteries serve too often only to cover wasteful expenditures, of which the people are the victims. It is therefore given me in charge to solicit the papers acknowledging the payment of a million of livres, as a gratuity made by France to the United States of America on the 10th of June, 1776. I think they will be found among the accounts of M. Durival, then head of the Treasury Department for Foreign Affairs, and I apply to you, in these circumstances, with the more confidence, as I am fully convinced of the good will of the French Government towards the United States.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

To M. BUCHOT, Commissioner of External Relations.

M. Buchot to Gouverneur Morris, Minister of the United States.

SIR:

In your letter of the 21st ultimo, you request of me the communication of the papers which explain in what manner the million, advanced to the United States, on the 10th of June, 1776, was paid by my hands. I sent your request to the Comite de Salut Public, to whom it appeared just, in this respect, to render to the United States the satisfaction, which was denied to them by the ministers of the ancient regime: In consequence, I enclosed the necessary researches to be made; and I here subjoin a copy of a receipt, dated the 10th of June, 1776, which appears to be necessary for the United States to regulate for their own use.

As you have well observed, there is no occasion for mystery between two nations united by all the ties of friendship, and of common interest.

I have the honor to be, &c.

GOUVERNEUR MORRIS.

PARIS, July 7, 1794.

My Dear Sir:

I shall write but a few lines by this conveyance. The resources of this country will hold out till the end of April, but then things will appear in a situation truly deplorable. Orders are given to push into Spain with all the force which can be collected. The object is to obtain a separate peace. Attempts will also be made to ob-
tian peace with Savoy and Italy. These failing, to supply the south with food is impossible. Spain offered peace some time ago, but met with a contemptuous refusal. As yet the enemy seem to be unacquainted with the true state of things.

I am, &c.

GOVERNEUR MORRIS.

To EDMUND RANDOLPH, Secretary of State.

HANOVER, December 30th, 1794.

My DEAR SIR:

At this late hour, and from this remote corner, I am to acknowledge your favors of the 19th and 28th of June. I did not reply from Paris, because I wished for a safe conveyance; and although none offers itself at present, yet I will write what occurs for communication, and take a future chance for transmission.

The assurances of friendly esteem, which your letters convey, are very pleasing but, indeed, I never doubted of the sentiments you express, and even go so far as to flatter myself that the same superiority after two I have returned to you. It was highly so to me and although I am persuaded that you will believe me, on my word, I will nevertheless assign some reasons why a change of situation was desirable.

And first, you will see, from what is publicly known respecting those who administered the French despotism, how painful it must have been to represent our country to such. After the 16th of August, because I thought the interests of America required it, and I did not ask my recall at a subsequent period, because it would not have been honorable to abandon a post which, if no longer unsafe, was at least very unpleasant. I felt that I was useless, and indeed that nobody could be useful, until some permanent system should be established. I saw misery and affliction every day, and all this, without power to mitigate, or means to relieve; and I felt myself degraded by the communications I was forced into with the worst of mankind, in order to obtain redress for the injuries sustained by my fellow-citizens.

During that state of things, I was generally respected by my neighbors, and by the people of the town in which I resided. By order of the Committee of General Safety, I could not resist this, as I sought to have done, by quitting the country, because a great number of our citizens were then stationed in France, with much of their property, and I knew the violence which those who administered the Government were capable of. Moreover, I saw, with regret, that the temper of America was not such as her best citizens could have wished; and the conduct of Britain rendered a temporizing conduct with France indispensable. My representations obtained a half apology and promise of satisfaction, but occasioned the order to solicit my recall; of which I was apprised within four and twenty hours after it was given, and might easily have shown whence it originated; but, to tell you the truth, I was inclined to wish that I might be removed on their application. I really believe it was necessary to my reputation. So long as they sought in the success of their demand, they treated my representations with indifference and contempt; but at last, hearing nothing from their minister on that subject, or indeed on any other, they took it into their heads that I was immoveable, and made overtures of conciliation.

At this time I began to apprehend that we should be plunged into a war with England, in which case it would have become my duty to aid the French as far my abilities might go; but as I knew their temper, I replied to the advances made, that I was not to be affected by smooth words, so that they must begin by complying with the various demands I expressed, and then go so far as to flatter myself that the same superiority after two I have returned to you. It was highly so to me and although I am persuaded that you will believe me, on my word, I will nevertheless assign some reasons why a change of situation was desirable.

In reply to what you say about my return to America. I must tell you, that I could not depart in such season as that, and as distinguished by the cold of this season. Also, as I must have exposed myself to the inclemencies of a winter's passage, I deferred my voyage; and the rather, as I have some affairs in London which I wish to wind up. I should have gone thither for that purpose direct, but the French would have harbored jealousies respecting my journey, which for many reasons I wished not to excite, and, therefore, I came round through Switzerland to this city, in which I am now weather bound. So much for my history.

As to the state of political affairs, the Polish insurrection is, as you know, completely subdued, and, of course, the attention of Europe is all turned to France, which has lately triumphed in every quarter by the extreme misconduct of her enemies. It seems at present that they are coming to their senses, and if I am rightly informed, they have at length abandoned the idea of a disembarkation and mean to pursue simply the re-establishment of the throne. If they act wisely and vigorously in that direction, it seems to me that they must succeed, for the French are wearied and exhausted by the contest. They detest and despise their present rulers, and as far as I have been able to judge, they ardently desire the restoration of their Prince.

You will ask, perhaps, why then do they not restore him? It is because they dare not act, nor even speak, so that they do not know each other's opinions, and, of course, each individual apprehends from the general mass; but that which has taken place leaves them to look back with regret to their ancient situation. In judging the French, we must not recur to the feelings of America during the last war. We were in the actual enjoyment of freedom, and fought not to obtain, but to secure its blessings. The people elected their magistrates during the continuance of the war. The property of the country was engaged in the Revolution, and the oppressions which it occasioned were neither great, extensive, or of long duration. But the French they have been lured by one idle hope after another, until they are plunged in the depth of misery and servitude—servitude so much the more degrading, as they cannot but despise their masters. I have long, you know, predicted a single despotism, and you have seen how near they have been to that catastrophe. Chance, or rather the want of mettle in the usurper, has alone saved them to the present moment; but I am still convinced that they must end their voyage in that port, and they would probably reach it, should they make peace with all their foreign enemies, through the channels of a civil war. Adieu, my dear sir. I wish you many and happy years, and am, very truly, yours,

To GEORGE WASHINGTON, President of the United States.

GOVERNEUR MORRIS.
SPAIN AND ALGIERS.

3d CONGRESS,
No. 82. [1st Session.

SPAIN AND ALGIERS.

COMMUNICATED TO CONGRESS, MARCH 3, 1794.

Message from the President of the United States communicating additional information concerning our affairs with Spain and Algiers.

Gentlemen of the Senate and of the House of Representatives:

I transmit to you an extract from a letter of Mr. Short, relative to our affairs with Spain, and copies of two letters from our minister at Lisbon, with their enclosures, containing intelligence from Algiers. The whole of these communications are made in confidence, except the passage in Mr. Short's letter, which respects the Spanish convoy.

G. WASHINGTON.

Extract of a Letter from Wm. Short to the Secretary of State.

ST. LORENZO, November 6, 1792.

On our learning that the Portuguese Government had granted the first convoy for American vessels, and mentioning this circumstance to M. de Gardoqui, he advised the making a request to this effect here; and this with a kind of assurance of success, so different from his usual manner, as showed he was confident thereof. Mr. Carmichael accordingly did it; and he informed me yesterday that he had received an immediate answer from the Duke de la Alcudia, notifying him of Government having already come to that resolution. This will add also to the security and certainty of Mr. Blake's embarkation, and enable us to determine his departure with less regard to the port, although as yet we do not know what time is fixed for the Spanish convoy. We shall regret less the delay he has met with here if it should enable us to send by him the answer expected.

Mr. Carmichael informs me that, in his audiences of the duke, (since he has taken into his hands this subject, which had been communicated by us very fully in our letter of October 1st, to M. de Gardoqui) he has regularly pressed him for the answer, and as regularly been promised that it should be given with the least possible delay. He mentioned that a recurrence to papers was necessary, which, added to the present crowd of business, had rendered some delay unavoidable.

This shows that he had not judged proper to reduce the answer to its simplest terms, which might have been that they would or would not interfere between the United States and their Indian neighbors. The mind of Government must be fully made up on that subject, except as far as depends on future circumstances; and if their answer is to be delayed for them, it would certainly not be proper for us to detain Mr. Blake on that account.

I have already had the honor of writing you an account of the ordinance with respect to the commerce of New Orleans. M. de Gardoqui has for a long time past had the intention of introducing several changes there. He has lately informed us, Mr. Rendon (formerly chargé des affaires de Spain at Philadelphia) was appointed intendant of that place, with very extensive powers, and independent of the Baron de Carondelet. He desired us to announce this to America, and conceives it will give much satisfaction there, as an indication of the sentiments of this court towards the United States. His conversation thereon would give an inference that he now contemplated a communication with New Orleans by our citizens, which the ordinance above mentioned and his former conversations did not admit of. So far as the injuries the United States have hitherto received have proceeded from the conduct of the Spanish agents, or are to depend in future on the manner of executing the orders sent hence, I conceive, from M. Rendon's character and knowledge of the United States, that his appointment is a favorable circumstance to the harmony of the two countries.

D. HUMPHREYS, Esq. to the Secretary of State.

ALICANT, November 18, 1792.

Sir: I had the honor to write to you on the 16th; and in a postscript to my letter of that date, to Mr. Church, requested him to inform you that the largest of the Algerine frigates was then coming into this harbor. It proved not to be the largest, but one of the others, which had returned some days since from a cruise in the Atlantic. The Captain reported to Mr. Montgomery (who at my request went along side of the frigate) that he had taken seven American vessels, and carried three of them with him into Algiers. The only names of the Captains which he recollected were, Captain Newman, from Cadiz to Amsterdam, with sugar, Captain Morey, from Cadiz to Hamburgh, with hides, &c. and Captain Jackson, from Malaga to America, with wine and raisins. In the midst of these distressing events, it think it a duty incumbent on me to be as particular as I am able, in my correspondence.

On the 15th instant, the brig Marion, Captain Rossiter, from New York, arrived at Carthagena. He saw no cruisers until he was entering the bay, when he had a very extraordinary escape; as there was a sebeck in the harbor at the time.

I have as yet heard nothing in answer to the memorial and letter mentioned in my former despatches. With sentiments of perfect esteem, &c.

D. HUMPHREYS.

P. S. The Algerine frigate sailed yesterday on another cruise.

P. S. I open this letter to let you know the Dey has refused giving a passport. I will write the particulars by the next post as I shall lose the opportunity if I do not close this instantly.

There are 12 masters, 16 mates, and 87 mariners, prisoners at Algiers.

D. HUMPHREYS, Esq. to the Secretary of State.

ALICANT, November 23, 1793.

Sir: In a second postscript to my letter of the 19th I informed you of the refusal of the Dey to grant a passport. I have now the honor to enclose to you copies of letters from the Swedish consul at Algiers, from his brother Pierre Eris Skjöldbrand, Esq. and from Captain O'Brien. By the tenor of these you will clearly comprehend the actual disposition of the Dey, and the real state of affairs in that regency.

From these communications it will also be but too evident, that no choice is left for the United States but to proceed to a redress, with all possible expedition, for the protection of their trade and that there is but too much reason to fear, the contrabandists, under a perfect sense of security from danger, elated with impunity and success, will infest the channel of England, and even the coasts of America, in another season, unless the most vigorous and decisive measures be instantly adopted on our part.
I shall advise with Mr. Carmichael and Mr. Short on any ulterior plans to which recourse may be had in this critical state of affairs on this side of the Atlantic.

The care of Mr. Montgomery, until Mr. Carmichael and Mr. Short can be consulted to know whether it can be landed by an order from court without duty, or in what manner it will be advisable to dispose of it.

The copies of my letters to several persons in Algiers cannot be prepared to be transmitted to you by this conveyance, but I propose to have them enclosed in my next despatches.

As there remains nothing further to be done here at present as there has been an Algerine frigate cruising off this coast for several days past, in such a manner as to excite suspicions of her object; as it was judged by Mr. Montgomery and Mr. Cutting, altogether unsafe for my person to be intercepted by an Algerine cruiser, even on board a neutral vessel; and as there were several subjects of great importance to the public, on which I wished very much to confer with Mr. Carmichael and Mr. Short, I could not now undertake to take measures for procuring direct dispatch to Madrid. It will not, however, be practicable to obtain the means of conveyance before the middle, or perhaps before the end of next week.

But I hope, sir, you will pardon me if you should not receive letters dated between this time and that of my arrival at Madrid.

With sentiments of perfect respect, &c.

D. HUMPHREYS.

P. S. In confirmation of the opinion of Mr. Montgomery and Mr. Cutting, respecting the invalidity of the protection afforded by a neutral vessel, I forgot to cite an expression of the Dey, as related in a letter to Mr. Montgomery: "Let the American ambassador take care how he comes here, under the pretence of any flag whatever."

In order to make you acquainted with the extent and particulars of our vessels captured, so far as I have been able to learn, I enclose to you the copy of a letter from Captain McShane.

* The Swedish Consul to D. Humphreys, Esq.  
ALGIERS, November 13, 1793.

Sir:  
I have had the honor of receiving your obliging letter of the 6th of this month, and am extremely flattered with the confidence and favorable opinion you have been pleased to entertain of me; I am, nevertheless, in the disagreeable situation of not being able to follow the inclination and sincere desire I have of meriting your noble and open confidence, worthy of a citizen of a free and respectable nation.

There are in Algiers so many jealous observers, at this critical epoch, when the Dey is about concluding two treaties of peace, and when every one of his ancient friends fear being sacrificed to those treaties of peace with a nation whose only policy is that of war; when, therefore, you are left to the mercy of his caprice, and without the prospect of prudence and plunder, it will soon make some revolution which may cost the Dey his life: therefore, the least step I might make here in favor of the Americans (that is to say, in political affairs, because to assist poor slaves, of whatever nation they may be, is an act of humanity, for which a consul cannot be reproached with propriety) would not fail being instantly reported to the principal court of hop.e, who would complain to the court of Sweden, which would place me in a very unpleasant situation, for having acted against that foolish and imagined commercial interest of nations, and without the order or permission of my court. For the same reasons, sir, I have not ventured even to deliver your letter of credence and memorial to the Dey but, at the same time, being cordially attached to the prosperity of the Americans, and sincerely desirous of the welfare and happiness of all my countrymen from slavery, (now amounting to one hundred and fifteen) and endeavoring to merit, as far as in my power, the good opinion with which you honor me, I engaged my brother, who, not being here in any official capacity, having no appointment from our court, has allowed me to retain, from the most grateful douceur of Mr. Short, hitherto received several particular marks of favor and distinction from the Dey, to undertake all that you have been pleased to confide; and I can assure you, sir, that every thing that is possible to be done for you and your nation he will do, and that he, as well as myself, will be happy in finding opportunities of being useful to a nation whom we both respect and love.

But, sir, I am sorry that you are come at a moment when which none could be more disadvantageous. Of this I leave my brother to inform you in the letter which he will have the honor to write to you. It remains for me only to testify to you, sir, the lively desire I possess to have the honor of your personal acquaintance, as I sincerely wish you the best under God in your countrymen in every line of letters, and to your honest and suffering countrymen.

I hope for the most favorable circumstances, and, in the mean while, request you to be assured of the most sincere sentiments of respect, &c.

M. SKJOLDEBRAND,  
Consul General of Sweden.

* The Brother of the Swedish Consul to D. Humphreys, Esq.  
ALGIERS, November 13, 1793.

Sir:  
In consequence of what my brother, the Swedish consul, has had the honor of writing to you, I take the liberty of presenting myself to you, sir, as a free man, and ready to sacrifice myself in every instance in which I conceive myself able to assist suffering humanity.

I have several times, with that probity which tears is seen your honest countrymen here sinking under the cruel yoke of slavery, I have availed of having them complain, and suppose themselves forgotten by their country, for the liberty of which they had fought against a strong and imperious nation. I have myself, as well as my brother, done every thing in my power to alleviate their misfortunes, and leave to themselves the certifying of it to you. The only external trouble I am now in the least capable of anything that will disturb the circumstances very different from those which you and your nation have expected, and very different from what they were even two months ago. What Captain O'Brien (if you have seen his correspondence with Mr. Carmichael and Mr. Montgomery) some time ago presented, is come to pass; and I am now going to explain, with all the freedom of an American, not at all, on the subject, from the sentiments of respect, friendship, and obligations of gratitude, which appear in every line of your letters, and to your honest and suffering countrymen.

On the arrival of your despatches the day before yesterday, and after having consulted with my brother, as he has had the honor to inform you, I immediately obtained an audience of the Dey; and, on presenting him your letter of credence and your memorial, I did not neglect interpreting to him their contents with every persuasive consideration and reason, adding thereto all that I thought capable of leading him to favor your demands and propositions. He replied to me, with an unshaken firmness, that he would not make peace with the Americans, or any other nation whomsoever, at any price whatever; that there had been a time when he was well disposed to support the engagements, at half price, made by his predecessor, the Dey Mahamet Beshaw, with Mr. Lamb, an American negotiator, which you are probably acquainted with. But now, since the conditions of a peace with Holland require only to be ratified; since the Portuguese have demanded 20,000, and the Dey has fixed his pretensions with the Portuguese commandant, who was some days ago, (which amount to near three millions of pistarms) which the Dey expects here in a few days; since the Algerine corsairs have made ten American prizes, and one hundred
five slaves more, and the Dey has again sent his corsairs out of the straits, expecting still to add to the number; he declared to me that his interest does not permit him to accept your offers, sir, even were you to lavish millions upon him; "because," said he, "if I were to make peace with every body, what should I do with my corsairs? They would take my head, for the want of other prizes, not being able to live upon their miserable allowance."

In vain did I represent to him that the peace of Portugal was not yet concluded; that they would not, perhaps, accept his demands; that, besides, the Portuguese nation had, at all times, endeavored to injure the Algerines, many of the corsairs were formerly inhabitants of Portugal, and the contrary, the United States, who, in a war, as bloody as it was glorious, with England, have sufficiently shown that they neither want strength nor bravery, have never as yet armed a vessel against the corsairs of the Dey; that their peace, having been a long time proposed, would now have some weight; and lastly, that permission, had it been accepted by the Dey, would have given peace, he had only to break with some nation of those who are probably less useful to him than the United States might become, considering the wood for ship building, and many other productions of America, necessary for marine.

All my remonstrances were ineffectual, even to your so reasonable demand of a passport to come here. The Dey said "that he would not allow any American ambassador, under any flag whatever."

Now, sir, I have had the honor of communicating to you the disadvantageous dispositions of the Dey. It remains for me to give you my opinion on the subject. Were I less acquainted with this country and the Dey, his ignorance would not have surprised me; but, I am afraid, the Dey has been misled by the spirit of the Swedish nation here, a Jewish house (by which people all secret negotiations are carried on at Algiers.) This house was not on terms with the courtier of the Dey. Another Jew, who calls himself Bacci, a house which found the reputation of being more handsomely employed (and more of the Navigation) has actually agreed upon, and fixed with the Dey, the conditions of the peace with Holland, and who enjoys the common degree of grace with the Dey—this house, being at variance with our ancient courtier, secretly disposed the Dey towards us and our peace, until we were obliged to make an offer to this same Bacci, that, by procuring us the liberty of coming here, and opening negotiations for the purposes that I have the honor of advising, you will no longer address yourself to Messrs. Bassara and Co. And, to convince you that there is no merit, no mutual influence, I shall inform you that, on this occasion, also, (being afraid of failing in the business, when they thought it so near a conclusion) they have labored and supplicated the Dey on the subject of your propositions, but have been answered with a grace so cold and temperate refusal that I shall not underrate.

Now, sir, having openly and freely spoken my thoughts of this subject, I come to another, not less delicate. I have a confidence in demanding of you, for your utility, to inform me with freedom and sincerity, the extent of your powers.

1. What is the highest sum you can give for peace?
2. To what amount can you promise to bring, annually, presents of war, stores, and ship timber? Because this is the practice with the Swedes, Danes, and Hollanders, which costs them each year near thirty thousand piasters. We have the reputation of twelve captains, sixteen pilots, (mates) and eighty-seven mariners, at a price of near two thousand piasters each.

4. Whether you can promise that, every two years, the consuls who may reside here shall pay, in like manner as those of the three above mentioned nations, and of Venice, a present of jewelry, watches, muskets, pistols, golden bracelets, rings, and other jewels, according to the price of the postage.

It is for you, sir, to determine whether what I demand of you be more than you can communicate to me. It is for me to know that it should remain a secret between us, and to make you that promise; and to tell you to what purpose you will make the conveniences of peace. The corsairs of Algiers with the Dey, who is constant and always changing, are conducted in such a manner, that at favorable moments, such as I have suggested to you, ought, in five minutes, propose and decide upon business of the greatest consequence; but again, after those five minutes, or after a day, the Dey would infallibly change his opinion and pretensions; and if he should tell me to write to any person, and declare to him upon what conditions he would give peace, I would not venture to do it, without having the conditions upon paper, and in presence of the divan, subscribed by his Secretary of State. For otherwise, it might happen that he would demand twice as much on the arrival of the negotiator. So that, desiring only to be useful to you, sir, I propose to you the most plain, and I venture to say the only means. You are still, sir, capable of doing as you please, and as far as your instruction permits. In all events, I request you, sir, as soon as possible, to give me whatever answer you may be pleased to honor me with.

Should there be anything to be done in the mean time, (supposing the above case of the Portuguese, who must in a very short time give their answer) or the peace which Portugal takes place, and insurmountable obstacles to your peace for some considerable time be discovered, I conceive it in either case, (without obtaining your approbation hereafter) and which is very pressing, is an advance of a little money to your naked and unfortunate countrymen in slavery, in order to prevent their dying from want and the severity of the season.

I commit this to your knowledge, sir, every thing which occurs to me on this occasion.

Believe me, sir, to be a man of honor. All assurances of discretion and secrecy, your respect, superfluity; and if I am not, assurances avail nothing. From these considerations I shall say no more; but should you be pleased to honor me with your confidence, I request you, sir, to be so good as to remember to give me also a power to execute what is said of it.

Not having a sufficient knowledge of your language, sir, to venture to make use of it, (in affairs requiring to be clearly explained) I request you to excuse my writing to you in French. You may always, when you honor me with any favor, continue to write in English, if you think proper. Penetrated with sentiments of respect, attachment, and zeal,

I have the honor of subscribing myself, sir, your most obedient and most humble servant,

PIERRE ERIC SKJOLDENBRAND,

Mon. HEMMAPPS, Ambassador, &c. 

Brother of the Swedish Consul in Algiers.
P. S. Bacciar has this moment informed me that he had already succeeded in disposing the Dey to your favor; but it will be necessary, sir, for you to follow the counsel which I have had the honor of giving you in this letter, never to write to Mr. Barrasso, and to give me a speedy answer.

Captain O'Brien to D. Humphreys, Esq.

ALGIERS, November 12, 1793.

Honored Sir:

The Swedish consul, Mathias Skjoldenbrand, Esq. favored me with the perusal of your letter, dated Alicante, the 5th instant. I must observe that in all you wrote I much approve of your sentiments, as becoming the representative of a great people. You can easily imagine what was my feelings on this occasion.

Mr. Montgomery wrote to Barrasso and said that he and they, without waiting to receive a favorable opportunity, immediately gave their consent to your offer, and settled the Algierine peace. The Dey agreed to the terms very abruptly that he would not receive you, and would not make the peace with America, as he had the Portuguese peace to settle, and the Dutch; and that, when he wanted the Americans, for nearly two years, to make the peace, they would not give him an answer, without telling them of his desires.

The Jews were jealous of your writing to the Swedish consul; and depend, they will not try to befrieh the United States. Indeed, they have no influence with the Dey and ministry.

Ten days more, I should, if I might be in a position to serve the Americans; but, sir, you will consider that for him to interfere publicly in the American business, that he should first have the orders of his court; but you may depend on his interest in all that can be done with propriety. Therefore his brother, a gentleman of the first rate abilities, and a strong friend for the United States, has become a strong and faithful advocate in the favor of the United States; he is expected by the President's letter, and he is made use of very winning, &c. requisites, for the Dey to consider favorable of a peace with the United States, and permit the American ambassador to come to Algiers but the Dey has not seemed inclinable, but gave Mr. Skjoldenbrand, jun. nearly the same answer as he gave Barrasso. I believe the Dey was prevailed upon by the Americans, by the English consul, who was sent to Algiers, and with the caprice of the Portuguese frigate, and by Mr. Wallpole, British resident at Lisbon, as the British brought about the Portuguese truce, and will try for the peace, all in order to hurt the Americans; but, sir, you will know all the enmity of the British cabinet against the United States.

Barrasso and Skjoldenbrand, would not create a scandal, offering Algiers a very advantageous trading sum to relieve their necessities: therefore those people that would not put confidence in the United States, should have no confidence put in them. And as they have done hitherto, relative to ascertaining the terms of our peace, has become void by the Portuguese truce and their prospects for peace, I think, sir, it is requisite that the United States should try other channels to lay the foundation of the American peace; and depend, sir, your endeavors will be crowned with success.

As you are fully empowered, and you see the great necessity of something decisive being done, I, therefore, with the greatest respect and with the real dictates of my thoughts, propose to you, sir, to immediately empower Mr. Skjoldenbrand, jun. to adopt such plans as you think proper to effectuate your design. Therefore, when you expect how much money the United States will pay for the peace, what are their presents in making the peace, whether in maritime stores, in money, in cruisers framed and sent in cargo, or in money, and by all means what the United States will pay annually, and in what articles or money, &c. after all this explained, and made known to Mr. Skjoldenbrand, jun., what follows, in short, is this: Mr. Skjoldenbrand, as one of the principal men of the house of Joseph Coven Bockerie, the great Jewish merchants, of Algiers, and head banquers, that has the greatest influence with the Dey, and that hardly any negotiations can be well brought about with their influence and assent.

The influence in two matters, and as we are unfortunately circumstanced, we must apply to the people of influence that can befrieh us. This house of Coven Bockerie laid the foundation of the Swedish peace, and by their influence settled that peace on a solid basis, which is worthy of attention. And the Dey being of a wavering unsettled disposition, that people I have mentioned being empowered, they would, when opportunity offers, embrace it effectually. Therefore, the 2d instant, America, the ambassador come and put a finishing hand to the whole affair. This Dey, he studies his own interest; that of his regency is his second consideration. Indeed it would not be prudent for you to come to Algiers until the foundation was laid, and the terms known; for you must consider that the Portuguese truce, as the Americans, will be trying at one time for the peace, that it will occasion a great clashing of interests in all concerned and empowered.

The Portuguese frigate arrived here the 2d inst. and sailed the 7th inst. with the Dey's terms for the peace, which I understand is as viz: one million two hundred thousand dollars for Mexico for the peace. Eight hundred thousand for Algiers, and the Dutch for the,nona takers of the island of the Azores, and for the indemnities for the 250,000 captures.

On the 8th inst. the Dey called on the British consul, who is charged relative to the Portuguese peace, and desired him to write to Portugal, that he must have three hundred thousand dollars for his family, independent of the above mentioned sums.

The Spaniards are very jealous relative to the Portuguese obtaining a peace with Algiers, and they are using their greatest influence to prevent its taking place. Indeed, the majority of the Algerine politicians are of opinion that it will not take place, as they consider that, by the bigotry (but not good policy) of Portugal, that she will not agree to pay such exorbitant sums. However, the Portuguese frigate is expected to return to Algiers in twenty or thirty days from this date, and will bring the definitive answer, which will determine peace or war between the Portuguese and Algerines.

The commandant of the Portuguese frigate told the Dey that, if the terms were not agreed on by the 1st of January ensuing, that the truce was void. Therefore, sir, if we wait the issue of the Portuguese affairs, and that Portugal will not make the peace on the above mentioned terms, you may depend that the United States will then obtain their peace on favorable terms. The Dutch, I believe, will have more difficulty in settling their affairs than is generally considered, as they have a cessation of hostilities, but no terms agreed on. The Dutch commandant or ambassador is expected here in a few days. The house of Joseph Coven Bockerie obtained and settled the Dutch truce with this regency. Monsieur Faure is also a little interested on Dutch affairs.

It is generally considered that the Danish will shorthly lose their peace. The Dey has given the Danish consul some assurance on this subject; and the Dane has lately paid two thousand dollars for two hundred sequins as a present. This day it is reported that the three Algerine corsairs, which are at sea on their second American expedition, that they have orders to take the Danish vessels, as the Dey charged the Danish consul in the Hamburgh, Liebeckens, London, and other places, to supply them with necessaries.

The Dey said this day that those he wanted to be at peace with he was necessitated to be at war with; and those he that did not want to be at peace with he made a peace with: that is, I am at war with friends and at peace with my enemies. Indeed, sir, the situation of the United States is different from that of other nations that is at peace with the United States, as if we were at war with Tunis, the Dey would not agree to the terms, and the Dey would be the means of our obtaining a peace very favorable with Tunis, as Tunis is a tributary state to Algiers, and is much biased by its influence.

You well know that to this date the peace with Algiers has cost Spain in money and present, nearly 12,000,000 dollars. Spain changed her national flag and gave her people more than 1,000,000 dollars, and the Dey wants his three thousand sequins, which, with presents, amount to annually thirty-four thousand Mexican dollars. The Danes pay full the same. The Venetians twelve thousand Venetian sequins, but full two thousand dollars for presents. In fact, since the Spanish peace, those nations pay full in presents one-third more than they used to pay.
The Dey cares little about the different nations ransoming slaves: for he could not well fit out his cruisers independent of slaves. What a foolish idea the United States have that the ransom of a few men concerned the peace. We have suffered on this and many other accounts by our country. God forgive our persecutors. I had wrote you that the Swedish consul, on the arrival of these one hundred and live captives, advanced them two hundred Mexican dollars. Indeed, they are in a very distressed and naked situation. I need not say more on this subject.

You stay in Alicante; give out you are going to depart for America; act as becomes a distinguished citizen, and as the representative of a great and rising empire; and take the advice of your most obedient servant.

O'BRIEN.

Algerine Maritime Force, the 12th Nov. 1793, as viz:

One frigate of 44 guns, built in Algiers by Spanish King’s constructor.
One frigate of 32 guns, English built.
One frigate of 28 guns, built in Algiers by Spanish builder.
One frigate of 24 guns, Levant built, at sea.
One polacre of 18 guns, Genoa built, at sea.
One brig of 20 guns, built by Spanish constructor, at sea.
One xebec of 20 guns, built by Spanish constructor.
One xebec of 12 guns, built on the coast.
One xebec of 14 guns, built on the coast.
One xebec of 12 guns, built in Spain.

One brig of 58 guns, will be launched and ready for sea in thirty days.

N. B. They carry, each corsair, at the rate of 12 men to each gun, fully. Sixty gun-boats.

Oman has three galliots, carrying 4 guns each.

Tunis, I am credibly informed, has twenty-three corsairs, mounting from twenty-four to four guns.

The corsairs of Algiers and Tunis combined may make a formidable fleet of sea robbers; and as the Algerines have become masters of the Western Ocean, the Tunisiens will do the same; and if they meet no success they will go into the English channel, and on to the coast of the United States. Then, honored sir, what will be the alarm? I am afraid they will in this their second expedition take eight or ten sail more of American vessels. The enemies of the United States tell the Dey much is to be got by being at war. Indeed a full demonstration is taking ten sail in one little cruise.

I would advise you, sir, by all possible means in your power, to try for the peace. The same time immediately write Congress to send four complete frigates and two brigs to Gibraltar, and stop the depredations of those sea robbers. These six sail, well appointed and manned, will keep the Algerines in greater awe than the whole marine of Portugal did. These six will give security to our commerce to Europe. They will act of course on the defensive. But in order to convince those people of the activity of American corsairs, and to make them sensible of the force and justice of the United States, we should have full sixteen sail of frigates, four brigs, and two schooners, to carry on, for one or two years, an offensive war; and if they were well conducted, we may destroy all the corsairs of Algiers. This is saying more than the Spaniards or Portuguese ever did; but be assured I know it could be done easily by Americans. Try and hunt for Captains Barney and Murray, and take care that our ships are commanded by experienced and brave Americans, that will lead their countrypeople on to victory and glory. Show those people, the English, Spaniards, and Portuguese, that we are not a dastardly effeminate race, but are necessitated to arm to maintain the honor and dignity by United States.

A camp on the frontiers towards Canada; another towards the Mississippi; and Spain prays the United States will let them make their peace with all the Barbarous States.

We would advise you, sir, to do every thing interesting, to the letter of Mr. Skjoldebrand, jun. Depend you may confide in him; and be assured, honored sir, of truth from your unforfeiture fellow citizen.

O'BRIEN.

Hon. David Humphreys, Alicant.

Please to favor Mr. Montgomery in the perusal of these particulars.

J. McShane to Colonel Humphreys.

Algerian, November 12, 1793.

I have taken the liberty to inform you that I was captured on the 18th of October, by a chebek of twenty guns, in sight of Rock of Gibraltar, who spared our lives, but nothing else. I was taken in the ship Minerva, belonging to Mr. William Bell, merchant, Philadelphia, bound to Barcelona, with cargo of what belonging to Mr. Wise- man, of the aforesaid port, with sixteen men besides myself. I am kept in the marine, at hard labor, and my allowance is bread and water. Sir, place we the fullest confidence in your doing every thing in your power to relieve us from this unfortunate situation, and restore us from slavery to the land of liberty.

I have the honor to subscribe myself, your most obedient humble servant,

JOHN McSHANE.

At the request of the following masters, I take the liberty of informing, that they are in the same situation as I have mentioned myself in before.

William Wallace, master, schooner Despatch; Messrs. Gallas and Freeman, Richmond, Virginia, six men besides the master.

Moses Taylor, master, brig Jane, owned by himself and Samuel P. Kiddier, Newburyport, seven men besides himself.

Michael Smith, brig Polly, owned by Bailey and Noyes, Newburyport, eight men besides himself.


William Penrose, ship President, owned by Messrs. John and James Craig, Philadelphia, ten men, one passenger, and himself.

James Taylor, brig George, owned by Gibbs and Channing, Newport, Rhode Island, seven men besides himself.

Samuel Calder, schooner Jay, owned by Ebenezer Pass, Gloucester, six men besides himself.

John Burnham, ship Hope, New York, eighteen men besides himself.

Timothy Newman, ship Thomas, Boston, owned by Thomas Adams, ten men besides himself, who were all captured in October last, between Cape St. Vincent and the Rock of Lisbon.

In consequence of the Portuguese obtaining a cessation of hostilities with this regency, the Algerine corsairs have captured ten American vessels; the masters and crews, amounting to about one hundred and five subjects of the United States, are employed as captive slaves on the most laborious work; they are in a distressed and naked situation.

Captain O'Brien to the President of the United States.

Algerian, November 5, 1793.

Most Excellent Sir:

In consequence of the Portuguese obtaining a cessation of hostilities with this regency, the Algerine corsairs have captured ten American vessels; the masters and crews, amounting to about one hundred and five subjects of the United States, are employed as captive slaves on the most laborious work; they are in a distressed and naked situation.

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Vol. I.
Mathias Skjoldbrand, Esquire, the Swedish consul, has befriended them by advancing them money to relieve their present necessities. We hope you will order him to be reimbursed, and also paid for his generous advance in the ransoming of George Smith, one of the subjects of the United States, and the natural and inveterate enemies of the United States, has brought about this truce, or half peace for Portugal, in order to alarm our commerce, and prevent the United States from supplying the French in their present glorious contest for liberty.

The Algerine corsairs, at present at Algiers, relative to their peace. I have reason to believe they will obtain their peace for one million of dollars, not including presents, or the redemption of sixty-five Portuguese captives. The Algerine corsairs consist of ten sail, mounting forty guns to sixteen. Those of Tunis consist of twenty corsairs, mounting from twenty-four guns to eight.

The corsairs of Algiers and Tunis, to the consequence of the Portuguese truce, have become masters of the Western Ocean, and will of course prove very detrimental to the commerce of the United States to Europe. The fatal consequences of those American vessels being captured I presume is fully evident to your excellency's known wisdom and penetration.

Your excellency will perceive that the United States have at present no alternative than to fit out with the greatest expedition thirty frigates and corsairs, in order to stop those sea robbers in capturing American vessels. Fifteen of these vessels would be sufficient for a defensive war in order to guard the straits of Gibraltar, and prevent the Algerine and Tunis corsairs. Purser's order from visiting the Western Ocean; but in order to convince the Barbary States of the force and vigilance of American corsairs, it would be requisite the other fifteen American corsairs should be employed in the Mediterranean, in order to destroy many of the corsairs of the Barbary States, and oblige them to make a peace on some honorable terms with the United States; for if we leave them as the French did, they will become the natural enemies of those crafty people, who would in a great measure depend the desired effect in capturing the corsairs of this regency.

Humanity towards the unfortunate American captives I presume will induce your excellency to co-operate with Congress to adopt some speedy and effectual plan in order to restore to liberty and finally extricate the American captives from their present distresses.

I am, &c.

RICHARD O'BRIEN,
Late Master of the Ship Dauphia, of Philadelphia, captured in July, 1795.

American Captives in Algiers.

10 captured in July, 1785.
105 captured in October, 1793.

Cruisers going out in quest of more.

Extract of a letter from D. Humphreys to the Secretary of State.

 MADRID, December 25, 1793.

Sir:

We did not leave Alicante until Thursday the 12th instant, nor arrive here until the evening of Saturday last. I now take occasion to advise you of the final arrangements I made for the conveyance of Mr. Montgomery in the application of that part of my business which was committed to me, for the necessities of our citizens prisoners in Algiers, and for contingent expenses; as also for securing the residue of the public property now in his possession. This information you will find in the papers marked Nos. 1, 2, and 3. The last, you will be pleased to observe, is one of the four original receipts signed by Mr. Montgomery; and as such, ought to be preserved by Mr. Bowker for my justification, in accounting for the property of the United States which has come into my hands. Nos. 5 and 6 are copies of letters from Captain O'Brien, the former to Mr. Montgomery, the latter to me. In these you will find the most recent intelligence we have from Algiers. I am glad to see that O'Brien gives an account of eleven American vessels only as having been captured by the Algerians, instead of thirteen, which a Jew merchant of Algiers wrote to me on the 23d of November to Mr. Montgomery, had been brought in there; but I am induced to suppose he must have mistaken two Genoese vessels for Americans. The account given in the last of the enclosed letters of the Dey's actual dispositions and conduct towards the States, and the Swedish (after what has happened in pushing practical hostility in such an unusual manner against the United States and Genoa) gives reason to apprehend that some of the combined Powers may have an agency in this business. The departure of Mr. Pierre Eric Skjoldbrand at this moment is an extremely disagreeable and inconvenient circumstance for us.

I have received a copy of a letter from Mr. Bussara to Mr. Montgomery, received by him since I left Alicante. But the letter being written in bad Spanish, with a mixture of Lugna Frana, in a hand not easily legible, Mr. Short, Mr. Carmichael, and I, could only discover that it was meant to convey a desire from Bussara of being employed himself solely in our negotiations with Algiers; together with information that the Dey, his master (with whom he says he and the Bussara, the natural subject) did not believe the Government of the United States had ever appointed two commissioners to treat with him, who had died after their appointment; and, in short, that he, the Dey, would suffer no other agent to manage our affairs for us at Algiers, but Bussara.

I am also informed by Mr. Montgomery, that he has assented to his own resignation, and has informed me of the reasons he has assigned for it. But the Due of Bussara having, by some means or other, got hold of the copy of this letter, and sending a second one, I am informed, has induced him to this rash action by the Dey of Algiers expressing a desire he might not return to that place as British vice consul. I was personally acquainted with this young man, and from his apparent good disposition had hoped he would have been particularly desirous of our remaining, prisoners in Algiers.

Notwithstanding what Captain O'Brien says in his letter to me, I conceive there is still good reason to expect that Portugal will not conclude a peace with Algiers; at least the following extract of a letter from the consul of the United States at Malaga to me seems to carry this appearance: "Her faithful majesty, instead of retiring her squadron from Gibraltar, has reinforced it last week with two two sail of the line and three capital frigates. They are now ten sail, and have orders to give convoy to all Americans going to the westward, as far as they may require to get into safety from the enemy." And Mr. Simpson, of Gibraltar, advises me of the sailing of five American vessels from thence, under the protection of a Portuguese frigate. Lord St. Helens told Mr. Short and myself yesterday, that the Portuguese charged des affaires here said at his table the day before, "Portugal would not give six pence for a peace with Algiers." I have called on the Portuguese chargé des affaires, but have not been able to see him.
But if I may be allowed to offer an opinion I would say, under the circumstances I have represented, and after what has happened, it appears absurd to trust to the fleets of Portugal or any other nation to protect and convoy our trade. If we mean to have a commerce, we must have a naval force (to a certain extent) to defend it. Besides, the very separation of this would tend more towards enabling us to maintain our neutrality in the actual critical state of affairs in Europe, than all the declarations, reasonings, concessions, and sacrifices, that can possibly be made. Denmark, Sweden, and even Genoa, have as yet been able to avoid taking any hostile part, notwithstanding the apparent determination of the country. And I need not observe how much less in condition (from their population and other circumstances) to keep up a naval force some of those Powers are, than the United States.

As I am not much accustomed to offer opinions after having stated facts to you, I treat it may be considered in excuse, that the occasion seems to me of the last importance.

No. 1.

Instructions to Robert Montgomery, Esq. Consul of the United States of America at Alicat.

Sir:

In the application of that part of the money, the property of the United States of America, received by you from me, which is designed for relieving the necessities of the citizens of the United States who are prisoners in Algiers, and for defraying the contingent expenses which have been or may be inevitably incurred on the subject of Algerian affairs, you will be pleased to be guided by the following general principles, viz:

In the first place, in order to hide the nakedness, and screen from the inclemency of the season, the poor American prisoners in Algiers, you will have the goodness to provide for each one of them a comfortable suit of clothing, nearly in conformity to the estimate which has been made out for the purpose, unless the captains should choose rather to receive the amount in money, in which case you will comply with their wishes.

Secondly, you will please transmit, regularly, by way of subsistence, and for all other personal expenses, eight dollars a month to each of the captains, six dollars a month to each of the mates, and at the rate of twelve cents a day to each of the mariners.

Thirdly, you will please to repay whatever moneys may have been advanced by the consul general of Sweden at Algiers, or his brother Pierre Eric Skjoldbrand, Esq., to relieve the pressing necessities of the citizens of the United States lately captured and carried into Algiers; also such other sums as may be expended by either of them for communicating intelligence of importance, or for other contingent charges which may become indispensably necessary.

Fourthly, you will please to keep accurate accounts of your disbursements, and obtain as correct vouchers as the nature of the service permits. You will transmit the accounts in writing in order that there may hereafter be as little obscurity, trouble, and delay, in the final settlement, as possible.

Fifthly, the residue of the property of the United States, deposited by me in your hands, you will please to retain safely in your care, until you may receive further directions from the Secretary of State for the United States of America, from myself, or such person as may be duly authorized to dispose of it, except under the strong probability of an immediate rupture between this country and the United States, of which Mr. Carmichael will be requested to give you the earliest possible advice by express in which case you will secure the property of the United States in the best manner you can, by taking bills on any safe port, or other ways in the transaction of which business you must be guided by your own good discretion and great regard to the public interest.

Sixthly, you will be pleased to write to the Secretary of State for the United States of America, enclosing a copy of these instructions, and informing him they were given only with a view of remaining in force until they may receive further directions in the premises from the government.

Lastly, you are requested, sir, to open a correspondence with Pierre Eric Skjoldbrand, Esq., with the object of obtaining whatever useful intelligence, and rendering whatever services to the United States, may be in your power, from your favorable local situation, and well known good dispositions.

Given at Alicat, this 1st day of December, 1799.

D. HUMPHREYS,
Commissioner Plenipotentiary from the United States of America to the Dey and Regency of Algiers.

No. 4.

Algiers, November 16, 1799.

Sir:

I had wrote Mr. Humphreys fully by the return of the small courier for Spain, informing that there is at present captured by the Americans ten sail of American vessels; their crews are all made slaves; a few Spaniards were amongst them they were cleared.

I had wrote my sentiments relative to the proposition. We lost an opportunity that will not be retrieved, except by negociating with you, a course which I thought you might adopt, but in the present state of the public business. By means urge Congress to fit out somes remarkably fast sailing cruisers, well appointed and manned. This is requisite, if we doe not obtain the peace. The Dutch truce want but fourteen days from this time to be expired, and finished; and I am sure that at that juncture, if any one was fully empowered in this place relative to our affairs, we might obtain what we wish. Secondly, I believe the Portuguese will not give the regency the money, &c. that is asked (this we should not trust to.) Thirdly, I believe the Danes will shortly have war but they may easily, as yet, put their affairs on a solid footing. Look sharp, Americans, or you will be dupe and buillion to all Europe. Three are at sea, they have sent two in Algiers not known whether an American or English, but I believe the latter, as she has wrote on her stern, the Minerva, of Plymouth, loaded with wine and brandy.

There are more preparing for the Western Ocean.

You sent two hundred dollars; one of these I gave to the new naked captives. Take care that there will not be many to redeem. Hunger, fatigue, and slavery are not the only accompaniments, but the plague and slavery for life, as they see that the victim remnant has been here nine years. That foundation laid by A. B. D. is torn up a new one in another channel must be laid, or all must suffer and perish, and with them your most unfortunate friends.

O'BRIEN.

I received Mr. Carmichael's letter of the 13th September. I shall answer him fully when I find a safe conveyance. We must be guarded, and use precaution.

(Addressed to Mr. Montgomery, and N. B. of Mr. Montgomery.) "The initials of A. B. and D. are A. Bassara and Danenos, our Jew friends at Algiers.

No. 5.

Captain O'Brien to Colonel Humphreys.

Algiers, December 6, 1799.

HONORED SIR:

I had wrote you fully the 19th ultimo, by the return of the courier which you sent on our business. I am this day informed that said courier arrived safe in Alicat, and, of course, you know how our affairs stand in this quarter. In answer to the ten sail of American vessels captured the first cruise, they have captured the brig Minerva, of New York, Capt. Ingraham, from Livorno; so that there is at present one hundred and twelve American captures in this city.

Since the departure of the Portuguese frigate, we have heard nothing more on that business, on which many conjectures were formed. The Dey's terms are, one million two hundred thousand Mexican dollars, for the treasury of
the Regency; six hundred thousand for the Dey and family; six hundred thousand dollars for the Algerine minister, ambassadorial and consular presents equal to what Spain gave, which will amount to six hundred thousand dollars, not forgetting the number of French frigates to be sent the Portuguese court, and exorbitant that, sir, it costs exorbitant sums to keep up armaments to keep those people from depredations. I think the Portuguese will give all that is asked. They will free their colors and extend their commerce.

The Dey has prolonged the Dutch truce, and has commissioned the British consul to write to the Dutch admiral that is to come here to settle the peace, and desiring the admiral to give a definitive answer, peace or war. I believe the Dey has given the Dutch three months more. However, depend, that the longer the stay the more exorbitant their terms will be, and the more difficulty and opposition to settle the peace.

The Danish affairs are as yet as when I wrote you. It is said that inevitably the Danes may expect war, even if their annual tribute does arrive; and if it does not, this will give the Dey a stronger pretence.

The Swedish presents for the peace are not come. The Dey, enraged, gave the Swedes six months to complete all; if not, they look out for war. This necessitated Monsieur Skjöldebrand, junior, to depart this day from Algiers for Liverpool, to make up, if he can, the deficiency of the present orders to the Swedish court in the situation of the Danish affairs; and in consequence our affairs have met with a great loss and strong advocate in the absence of M. Skjöldebrand, junior; but, sir, there is no alternative. Indeed, sir, I see no alternative, but for the United States, with all possible speed, to fit out ten sail of forty gun frigates, six brigs of war of eighteen guns each, and four schooners or cutters of sixteen guns each. These to be the fastest sailing vessels ever built in America; appointed and manned; and to proceed towards Gibraltar, Algeziras, and Mahon, there to rendezvous, and to carry on a vigilant and offensive cruising. They will give more security to our commerce than all the marine of Portugal did. And depend, sir, that if this plan is not adopted speedily that the corsairs of Algiers and Tunis will remain masters of the Western Ocean, and that they have already taken the channel of the Western Islands, and be tempted to go the coast of the United States. Then, sir, what will be the consequences; what will be the alarm? Even if you succeed, or not, the present moment requires we should have cruisers. The same time, at all events, the door should be left open for the peace; and, I am exceedingly sorry, even at this crisis, that you have not fully empowered some confidential person in Algiers, to lay the foundation and pave the way, so that you may come and put a finishing hand to this business, which would be of such importance to our country.

These corsairs are this day eleven sail, mounting from forty-four to twelve guns only one is at sea. I am afraid they may attack the coast. The corsairs and frigates are too formidable a force, and the frigates are armed, sir.

These combined, would strike terror to the American commerce, if they in the summer proceed out into the Western Ocean; and, considering our small prospects with the olive branch, will more forcibly indicate to you the necessity of the United States fitting cruisers. Even if we were at peace with all the world, we should have cruisers to give us some security; for, we cannot believe any engagement with these corsairs.

It is needless in me, who have suffered so much, to touch on the distress of those unfortunate men. I have known my country nearly nine years captivity by her cruelty, perhaps unprecedented in the annals of tyranny. They must see their error, now too late.

I had forewarned you of this misfortune; but men in adversity are generally paid little or no attention to. They had other information than mine. Those half friends of the United States had their views, mine, depend, was to serve my persecuting country.

I have, sir, taken the liberty of writing you my sentiments on our affairs, but I know that you once declined any such correspondence; you will remember the circumstance. But I think present no excuse to plead, and depend, solicit no favor. Hoping to God your endeavors will be attended shortly with the greatest success, sir, your most obedient servant.

O'BRIEN.

You will please to give the perusal of this letter to Mr. Robert Montgomery; and, indeed, I write you the same time, I am much indisposed; therefore, you will make some excuse on that tack.

Extract of a letter from D. Humphreys to the Secretary of State.

LISBON, January 30, 1794.

Sir:

I left Madrid on the 12th, and arrived here on the 25th instant. On my arrival your letter of the 11th of September was put into my hand, which is the only one I have had the honor to receive from you since those that were brought by Mr. Cutting. I proceed to you papers of the following numbers and descriptions, viz. No. 1, the copy of a letter from me to the American captains in captivity at Algiers; No. 2, original memorials from them to the two Houses of Congress, which I have promised to transmit, to be presented accordingly; No. 3, a copy of a letter from the French consul at Algiers; No. 4, extracts from Mr. Montgomery's letter to me; No. 5, my answer to the letter from the American captains in captivity; No. 6, my answer to the French consul at Algiers; and No. 7, my answer to Mr. Montgomery's letter of the 8th of January. These communications complete my correspondence up to this time, on Algerine affairs, and I hope by my proceedings in them may meet the approbation of Government. As soon as Mr. Cutting shall have finished the accounts of the disposition of public property, &c. which had been destined for this service, they shall be transmitted to you without loss of time; after which I shall consider myself exonerated from any further duties under the commissions of the 21st of March last. Mr. Cutting proposes to leave this place in a short time for Ireland. He will then, of course, be detached from his connexion with the Algerine ministers.

Upon consulting with Mr. Carmichael and Mr. Short, it was judged imprudent to make any further disclosures, or overtures, to any person in Algiers, respecting the terms which had been limited as an ultimatum, or for obtaining a capitulation. I thought it unwise to make any measure of mutual forbearance; and I firmly and deliberately thought that, to make specific proposals, which (from the change in the state of affairs) would certainly be rejected, must be highly disadvantageous to the United States in case of any future negotiations.

Having already reported to you all the material facts in the regular order of time at which they occurred, I will only beg leave to add, that as some small personal consolation for the distressing sensations which have been excited by want of success, I cannot but feel a consciousness that the failure has not been owing to any neglect or want of exertion on my part. I also feel a peculiar degree of satisfaction in having received such strong testimonies of the sympathy of the people of this country. And I hope, sir, I may safely say, that the excitement and alarm you will perceive, is the case of one of the captains and crew now in slavery at Algiers, by the following answer which Mr. Murphy, consul of the United States, at Malaga, wrote in consequence of my inquiry respecting that fact: "Captain Calder, of the schooner Jay, is the identical person whose name is so justly and universally unpopular here. I received his note hence, after having been made acquainted with the news you gave me of the Algerines having passed the Straits."

All agree that the number of American vessels which have fallen into the hands of the Algerines is much less than could have reasonably been expected from the circumstances. Mr. Cutting is in the fair without giving the Secretary of State for Foreign Affairs. He informs me that this court has sent a second messenger to Algiers; that the terms insisted upon by it are such as give the greatest reason to believe
the Day and Regency will not accede to them; and that, in about fifteen days, an ultimate answer may be expected; of which notice will be given to me.

Another convoy is granted by this court, expressly for the American vessels now here, which amount to twenty-two sail.

With sentiments of great esteem, &c.

D. HUMPHREYS.

No. 1.

ALGIERS, December 29, 1793.

HONORED SIR:

We, the subscribers, in behalf of ourselves and brother sufferers, at present captives in this city of human misery, return you our sincere thanks for your communications of the 29th ultimo, and for the provision you have been pleased to allow us, in order to elevate somewhat our situation from present unfortunate situations.

We have drawn up and signed two petitions, one to the Senate, the other to the House of Representatives, and we shall esteem it among the many favors you have rendered us, that you will please to forward these petitions to their respective address, so that no time may be lost, but that they be laid before the Representatives of our country, hopefully informed that the United States will fully provide funds for extricating from captivity, and restore us to our country, families, friends, and connexions.

We have perused, with sentiments of satisfaction and approbation, your memorial to the Regency of Algiers; and have observed, that its contents fully coincide with our sentiments on this business, which we trust to the Almighty will terminate to the honor and interests of our common country, notwithstanding the insinuations (of others in this quarter) to the prejudice of the United States.

We trust and hope that the United States will adopt such effectual plans, in order to prevent any more of our brother slaves sharing our unhappy fate, which unavoidably must happen, if some speedy and decisive means is not immediately put in execution, as we understand the Portuguese truce with this regency was agreed on for one year.

What dumps our spirits, in some degree, is, that we are informed that the plague, that fatal and tremendous disorder, has given its awful alarm in the countries adjacent; and, as your unfortunate countrymen are confined during the night time in the slave prisons, with six hundred captives of other nations, that from our present situation we must be exposed to this contagious disorder, which necessitates the subscribers to entreat you, sir, that, in this case, those our friends, and of influence in this regency, will be authorized by you, and our honored countrymen, Mr. Carmichael and Mr. Short, to have a house taken for the residence of the American masters and mates, and, if possible, the mariners, to shield them from the threatening storm of mortality and danger.

We make no doubt, that, in case of the Almighty's wrath visiting this city of iniquity, but the Day and Regency would acquiesce to the proposed plan of humanity, which would be establishing an example for the general welfare of mankind; and, would, to posterity, be recorded to the immortal honor of the United States.

The same time, honored sir and friend, be you assured, for your consolation, that we, the American captives in this city of bondage, will bear our sufferings with fortitude and resignation, as becoming a race of men endowed with superior souls in adversity.

We are indebted to Mr. Skjoldebrand, and brother, his Swedish majesty's agents in this city, for their humanity and attention to the American captives, and feel ourselves particularly obliged to you for recommending us to the good offices of Consul Skjoldebrand, and Mr. Mace, whom you mention to us as a friend.

With sentiments of gratitude, &c. the subscribers, in behalf of themselves and brother sufferers,


N. B. The foregoing addressed on the outside, "Hon. David Humphreys, American ambassador, at present at Madrid."

No. 2.

ALGIERS, December 29, 1793.

To the honorable Representatives of the United States of America, the humble petition of the American captives in Algiers most humbly shews:

That your petitioners had the misfortune to be captured, by the corsairs of this regency, in October and November last, whilst we were navigating vessels belonging to citizens of the United States. That your petitioners, and their crews, are at present captives in this city of bondage, employed daily on the most laborious work, without any respect to persons.

That your most humble petitioners are informed, that the plague, that fatal and tremendous disorder, is raging in the country adjacent, and, as your unfortunate petitioners are confined in two slave prisons, with six hundred captives of other nations, that, from their situation, the wisdom of the United States will consider what must be the fatal effects of the plague spreading, and become alarming amongst the captives.

That your petitioners return their country their sincere thanks for the provision allowed them by their worthy representative, Mr. Humphreys, which provision, in some degree, helps to alleviate, somewhat, our hard fate and sufferings, without which allowance, our lives would be rendered much more benumbing and unhappy.

That your petitioners pray you will take their unfortunate situation into consideration, and adopt such measures as will restore the American captives to their country, their friends, families, and connexions; and your most humble petitioners will ever pray and be thankful.


American vessels captured by the corsairs of Algiers, in consequence of the peace with Spain, in 1785, and the truce with Portugal, in 1793, viz:


Schooner Maria, Isaac Stephens, master, belonging to Mr. William Foster, of Boston, captured the 29th July, 1785; crew, at present.

Ship Minerva, John M'Shane, master, belonging to Mr. Wm. Bell, of Philadelphia, captured the 18th of October, 1793; crew.

Ship President, Wm. Penrose, master, belonging to Mr. John Craig, of Philadelphia, captured the 23d of October, 1793; crew.

Ship Hope, John Burnham, master, belonging to Mr. Jn. N. Thompson, of New York, captured in October, 1793; crew.

Ship Thomas Newman, master, belonging to Captain Thomas Adams, of Boston, from Cadiz, captured October the 8th, 1793; crew.

Brig Polly, Michael Smith, master, belonging to Messrs. Baily and Noyes, of Newburyport, captured the 25th of October, 1793; crew.
FOREIGN RELATIONS.

Brig George, James Taylor, master, belonging to Messrs. Gibbs and Channing, Rhode Island, captured the 11th October, 1793; crew 8
Brigantine Olive Branch, Wm. Furness, master, belonging to Colonel Thomas Hamilton, New Hampshire, 7
Brigantine Jane, Moses Morse, master, belonging to Messrs. Moss and Kiddier, of Haverhill, captured the 11th October, 1793; crew 8
Schooner Despatch, William Wallace, master, belonging to Messrs. Gillis and Freesland, Norfolk and Petersburgh, Virginia, captured the 19th October, 1793; crew 7
Schooner Jay, Samuel Calder, master, belonging to Mr. David Pierce, of Gloucester, captured the 19th October, 1793; crew 7
Brig Minerva, Joseph Ingraham, master, belonging to Mr. Taylor, of New York, captured in November, 1793; crew 7

RECAPITULATION.

| 13 Masters | 5 Ships |
| 12 Mates | 5 Brigs |
| 4 Second Mates | 3 Schooners |
| 2 Super cargoes | 23 Vessels |
| 87 Mariners | 13 Vessels |

Total, 119 Total American captives.

No. 3.

ALGIER, December 15, 1793, 2d year of the French republic.

Sir:  The navigation of the United States has just been odiously abandoned to the corsairs of this Regency. I have thought that it would probably be convenient to Congress to make peace with Algiers, and that the mediation of one free people in favor of another, would be the most agreeable to your nation. I am, therefore, going to make the overture on the subject to the Minister for Foreign Affairs at Paris. I should be charmed if my endeavors prove useful to your country. I should be as attentive to its suffering interests as to those of my own. I must inform you, however, that your peace here will inevitably be costly; but, if those of Portugal and of Holland should miscarry, the circumstance would then prove favorable to you, and your conditions would become less onerous. I greet you, &c.

The consul of France at Algiers.

VALLIERE.

N. B. The cover which contained the original of the above, was addressed as follows, viz: Monsieur L'AMBASSADEUR AMERICAIN, à ALIANT.

No. 4.

Extracts of a letter from Mr. Montgomery to D. Humphreys.

ALIANT, January 8.

"If I may venture to give an opinion on that subject, I think the super cargoes ought to be put on a footing with the masters, and the second mates with the mates, in point of subsistence, for which I shall give instructions by next conveyance, if I have no orders from yourself to the contrary."

"I do not find that I shall shortly have an opportunity to send over the clothing. Pray, might I charter a barge to carry that and some more money that will be wanting towards the end of this month, providing we have no other way of doing it before that time?"

No. 5.

MADRID, January 12, 1794.

My dear Sirs:

I have been favored by the receipt of your joint letter, dated the 29th of December; and as I am about to set out immediately for Lisbon, I shall be able to do little more than to assure you, that your memorials to the Senate and House of Representatives of the United States shall be forwarded to them in the earliest and safest manner possible.

Having communicated to Mr. Carmichael and Mr. Short, your apprehension that the plague may be again introduced to Algiers from the adjacent countries, where it is already said to prevail, we have not hesitated to conciliate with you in sentiment, that, in case of that dreadful event, it might be useful for you to have a house hired in the country, in order to endeavor, by all humane precautions, to prevent your falling victims to that terrible disorder. Whereupon, Mr. Robert Montgomery, consul of the United States at Aliant, has been empowered, in case that dreadful event shall happen, to furnish sufficient money to pay for the hire of a house, in the manner, and for the purpose, you propose. This provisional arrangement to continue in force until Mr. Montgomery shall receive further instructions from the Government of the United States for continuing or suspending the same.

I treat you will be persuaded, my dear and unfortunate countrymen, that I receive, with great satisfaction, the marks of your appreciation of the honest but ineffectual efforts I have made in your favor. Would to heaven they had been as successful as they were disinterested and sincere. I have only to repeat that you may, at all times, and on all occasions, count upon the sympathetic regard and esteem of your real friend and affectionate fellow-citizen,

D. HUMPHREYS.

P. S. Although I have repeatedly remarked, that it may, perhaps, (for particular reasons) be inexpedient for me to keep up a regular correspondence with you; yet, it is proper I should add, that I shall always be glad to hear from you, and that I may be particularly interesting to the Government of our country, to receive, at the earliest possible period, all intelligence of importance. I shall, therefore, always be ready to communicate such intelligence, until some nearer and better channel of communication can be established.

To Captain O'Brien, and the other captains and citizens of the United States, now prisoners in Algiers.
No. 6.

Colonel Humphreys to M. Valliere, French Consul at Algiers.

MADRID, January 12, 1794.

Sir:

I have duly received, in this place, the letter which you were pleased to address to the American ambassador at Alcant, on the 15th of December last, and shall, without loss of time, have the honor of transmitting a copy thereof to the Executive of the United States of America.

In the mean time, in making my acknowledgments for your obliging offers, I avail myself, &c.

D. HUMPHREYS.

No. 7.

Colonel Humphreys to R. Montgomery, Esq. United States’ Consul at Alcant.

MADRID, January 12, 1794.

My Dear Sir:

I have had the pleasure to receive, by the last mail, your letter of the 8th instant; and, being on the point of departure for Lisbon, I can only briefly reply to the most interesting parts of it.

I coincide with you in opinion, with respect to the provision which should be made for the supercargoes and second mates in captivity at Algiers. You must act according to the best of your discretion, in hiring a small barque to carry over the clothing and necessaries to Algiers, or in still attempting to find a conveyance for them, by the packet from Carthagena, or some private vessel from Valencia or elsewhere. If the expense of hiring a small barque, on purpose, (inconsiderable as the expense may be) can be avoided, without leaving the prisoners to suffer, it certainly will be eligible to avoid its if not, the expense will come under the head of inevitable contingent charges, which you must be authorized to make.

Upon consulting with Mr. Short and Mr. Carmichael, it was judged expedient, that, in case the plague should again make its appearance in Algiers, the American captains, &c. in captivity, should be enabled to hire a house, in the country, in order to prevent them (if possible) from falling victims of that dreadful scourge of heaven. In which case, therefore, you are hereby empowered to make the necessary advance of money, from the money of the United States deposited by me in your hands, to pay for the hire of the said house, until the Government of the United States shall have been apprised of this provisional arrangement, and shall have thought proper to express their pleasure for continuing, or suspending, the said arrangement. And you are requested to apprise them of the arrangement accordingly.

With sentiments of great regard and esteem, I am, &c.

D. HUMPHREYS.

P. S. I have again mentioned the subject of hastening the signature and final despatch of your exequatur, to the person alluded to in your letter. This is all that it would be proper for me to do in the business. You will be pleased, after perusing and sealing the letter for the American captains in captivity, to forward it to them by some safe conveyance. Have the goodness to offer my compliments, as usual.

3d Congr., No. 83. [1st Session.]

FOREIGN AGGRESSIONS ON AMERICAN COMMERCE.

COMMUNICATED TO CONGRESS, MARCH 5, 1794.

Message transmitting a report of the Secretary of State on the spoliations committed on the commerce of the United States.

Gentlemen of the Senate and of the House of Representatives:

The Secretary of State, having reported to me upon the several complaints which have been lodged in this office against the vexations and spoliations on our commerce, since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

G. WASHINGTON.

UNITED STATES, March 5, 1794.

PHILADELPHIA, March 2, 1794.

Sir:

In your message to both Houses of Congress, on the 5th of December, 1793, you inform them, that "the vexations and spoliations, understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention: That the proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future" and that, "should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case."

On my successor to the Department of State, I found a large volume of complaints, which the notification had collected, against severities on our trade, various in their kind and degree. Having reason to presume, as the fact has proved, that every day would increase the catalogue, I have waited to digest the mass, until time should have been allowed for exhibiting the diversified forms in which our commerce has hourly suffered. Every information is at length obtained which may be expected.

The sensations excited by the embarrassments, danger, and even ruin, which threaten our trade, cannot be better expressed, than in the words of the committee of Philadelphia. After enumerating particular instances of injury, their representation to Government proceeds thus: "On these cases, which are accompanied by the legal proofs, the committee think it unnecessary to enlarge, as the inferences will, of course, occur to the Secretary; but they beg leave to be permitted to state other circumstances, which, though not in legal proof, are either of such public notoriety as to render legal proof unnecessary, or so vouched to the committee as to leave them in no doubt of the truth of them."

"It has become a practice for many of the privateers of the belligerent Powers to send into port all American vessels they meet with, bound from any of the French ports in the West Indies to the United States; and it is positively asserted, that the owners of some of them have given general instructions to their captains to that effect;"
and, though many of those vessels have been afterwards liberated, yet the loss by plunder, detention, and expense, is so great, as to render it ruinous to the American owner. In many cases, where the cargoes have been valuable, they have been discharged from the coast, after escaping the French mariners, for fear of their being seized; and many a poor American citizen has to do, every day, with a view of getting the property into their hands, upon a valuation made so unfairly, as to ensure them a considerable profit, even if they should be finally made liable.

"Fourteen days only are allowed to an American owner to make his claim, which renders it impossible for him, except in extraordinary difficulty which a combination of interested persons can devise, to throw in the way, to prevent his getting security; and in few instances can it be done, but by making over his vessels and cargo to the securities, and thereby subjecting himself to the heavy additional charge of commission, insurance, \\
&c. It may be added, that the most barefaced bribery is sometimes practised to prevail on unruly boys, or those who know little news of their business, to go on board of him, and give him to understand that he will receive the money in the case of the former, or considerable value in the case of the latter, and thereby go to give testimony in favor of the captors.

"Beside the cases here enumerated, the committee have information of a number of vessels belonging to this port, being captured and carried into different ports; but as the legal proofs are not come forward, they forbear to mention them.

"It is proper, however, for them to add, that, besides the loss of property occasioned by those unjust captures and detentions, the masters and crews of the vessels are frequently subjected to insults and outrages, that must be shocking to Americans. Of this the case of Captain Wallace is an instance. There are others within the knowledge of the committee, of which they have been directly informed, that have not been brought to their notice.

"To this last list of grievances the committee are sorry to find it their duty to add, that, by reason of the vexation, loss, and outrages, suffered by the merchants of the United States, its commerce already begins to languish, and its products are likely to be left upon the hands of those who raise them. Prudent men doubt the propriety of hazard their property, when they find that the strictest conformity with the laws of nations, or of their own country, will not protect them from the capricacy of men who are neither restrained by the principles of honor, nor by law sufficiently coercive to give security to those who are not subjects of the same government.

"The committee conclude this representation with an assurance, that they have, in no degree, exaggerated in the statement they have made, and that they will continue to communicate all such information as they may further receive; of which nature, before the closing of this report, they are sorry to add, is, that of the intrusions of the Algerines from the Mediterranean, in consequence of a truce concluded with that regency, it is said by the British minister at Algiers, that such traders are thence taking part of our goods, or the cargoes of our vessels, and that they have already become victims, of so distressing a nature, as must soon deprive us of some of the most lucrative branches of our commerce, if not speedily checked or prevented. The immediate rise it has produced in insurance, and the fears it may instil into our seamen and commanders, are of a nature highly deserving the serious consideration of the Government, on whose protection and zeal for the interests, commercial and agricultural, of the country, the committee implicitly rely."

In a supplementary letter the committee of Philadelphia make this conclusion: "that the cases which they recite, and which they are convinced, will most frequently happen, that, in frequent instances of suppression of papers, papers, \\
&c. very prejudicial to our shipping on their trials, and of injuries by the destruction of letters, to the general correspondence of the country with foreign nations.

When we examine the documents which have been transmitted from different parts of the Union, we find the British, the French, the Spaniards, and the Dutch, charged with attacks upon our commerce.

It is urged against the British,

1. That their privateers plunder the American vessels, throw them out of their course by forcing them, upon groundless suspicion, into ports other than those to which they were destined; detain them, even after the hope of a reign of indemnity, when they have already denounced their character, unless they sign a false and illegal legal proof to lay them before the Secretary.

2. That British ships of war have forcibly seized mariners belonging to American vessels, and in one instance under the protection of a Portuguese fort.

3. That, by British regulations and practice, our corn and provisions are driven from the ports of France, and restricted to the ports of the British, or those of their friends.

4. That our vessels are not permitted to go from the British ports in the islands without giving security (which is not attainable but with difficulty and expense) for the charge of the cargo in some other British or a neutral port.

5. That, without the imputation of a contraband trade, as defined by the law of nations, our vessels are captured for carrying on a commercial intercourse with the French West Indies, although it is tolerated by the laws of the French republic; and that, for this extraordinary conduct, no other excuse is alleged than that by some edict of a kindred nature, this kind of intercourse was prohibited.

6. That the conduct of the admiralty in the British islands is impeachable for an excess of rigor, and a departure from strict justice; and the expenses of an appeal to England too heavy to be encountered under all the circumstances of discouragement.

Against the French it is urged,

1. That their privateers harass our trade no less than those of the British.

2. That two of their ships of war have committed enormities on our vessels.

3. That their courts of admiralty are guilty of equal oppression.

4. That, besides these points of accusation, which are common to the French and British, the former have infringed the treaty between the United States and them, by subjecting to seizure and condemnation our vessels trading with their enemies in merchandise, which treaty declares not to be contraband, and under circumstances not forbidden by the law of nations.

5. That a very detrimental embargo has been laid upon large numbers of American vessels in the French ports;* and

6. That a contract with the French Government for coin has been discharged in depreciated assignats.

Against the Spaniards the outrages of privateers are urged; and

Against the Dutch, one condemnation in the admiralty is insisted to be unwarrantable.

Under this complication of mischief, which persecutes our commerce, I beg leave, sir, to submit to your consideration the following facts, as facts which may justly, ought not to be immediately pressed upon the foreign Governments, in those of the preceding cases for which they are responsible.

Among these, I class, 1. The violations perpetrated by public ships of war. 2. Prohibitions, or regulations inconsistent with the laws of nations. 3. The indulgence of private commanders. 4. Infractions of treaty. 5. The possession of embargoes; and 6. The breach of public contracts.

How far a Government is liable to execrate the rapine of privateers, depends upon the peculiarities of the case. It is incumbent upon it, however, to keep its courts freely open, and to secure an impartial hearing to the injured applicant. If the rules prescribed to privateers be too loose, and opportunities too ill treatment be allowed them, or from the prospect of impunity, it is impossible to be too strenuous in lamenting against this formidable evil.

Thus, sir, have I reduced to general heads the particular complaints, without making any inquiry into the facts beyond the allegations of the parties interested.

I will only add, that your message seems to promise to Congress some statement upon these subjects.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

THE PRESIDENT OF THE UNITED STATES.

* There is reason to believe that the embargo was removed in December last, and the detention compensated by an order of the Committee of Public Safety in France.
SPAIN.

3d Congress. No. 84. ([1st Session.]

SPAIN.

COMMUNICATED TO CONGRESS, MARCH 13, 1794.

Message transmitting to Congress two letters of the Commissioners of Spain.

UNITED STATES, March 13, 1794.

Gentlemen of the Senate and of the House of Representatives:

I transmit you the translations of two letters from the Commissioners of his Catholic Majesty to the Secretary of State, and of their enclosures.

G. WASHINGTON.

Sir: Some circuitous course of the despatches having retarded our receiving the edict of his majesty, containing the declaration of war against the French, in consequence of their having declared war against Spain, and committed hostilities, and atrocities so odious to mankind, I gave my faithful and beloved vassals particular proofs of the paternal vigilance with which I setze all occasions to promote their own happiness, that engages my fondest wishes, and to which they are no less entitled by their unparalleled loyalty, than by their noble and generous conduct.

The measures and direction, that directed all my measures taken concerning France, since that period when the principles of confusion, of opulence, and anarchy, were displayed, and those disturbances began, which threw her inhabitants into the utmost agitation and ruin, is a matter so notorious, that it would be superfluous to adduce any further proofs thereof. I confine myself, however, only to draw your attention to the late events of the last months, without mentioning those manifold transactions, the very idea whereof I wish to blush from my mind, and that of my beloved vassals, alleging only the most horrid of the same, as it cannot be omitted.

My principal views were concentrated in one point, to wit: to try whether it was possible to prevail on the French to embrace a reasonable conduct, that by renouncing their boundless ambition, a general war over Europe might be prevented, and, in consequence thereof, personal liberty might at least be procured to the Most Christian King, and to his august family, who are confined in a tower, and daily exposed to the most poignant outrages, insults, and dangers. To obtain an end so beneficial to general tranquility, so conformable to the dictates of humanity, and so conducive with the obligations which the justice and pietas impose upon us, and are requisite to support the splendor and dignity of our crown. I yielded to the repeated instances of the French minister, by causing two notes to be executed; in which neutrality, and a reciprocal recalling of the troops, were stipulated.

When they perceived that they had obtained the object of their negotiation, they accepted of both, but changed that one respecting the recalling of their forces, by proposing to keep part of the same in the environs of Bayonne, under the palpable pretext of being under apprehension of an invasion of the English, but in reality, to indulge their own convenience, by placing themselves on a formidable footing, that occasioned great expense on our side, as we thereby were obliged to continue an equal force on our frontiers, if we would not have our dominions exposed to be overrun by undisciplined and unruly people. They could not refrain from using (in the same note) repeatedly, and with a great deal of affectation, that expression, "in the name of the republic of France" thereby endeavoring to get it acknowledged by us as such, by the very act of our accepting that official paper.

I had given orders that, when those notes, executed here, should be presented at Paris, at the same time the most efficacious measures should be taken to procure relief to King Louis XVI. and his disgraced family; and if the safety of the lives of those royal persons was not explicitly expressed, as the absolute condition of the neutrality and disarming stipulated, it was done from the apprehension, the situation of the cause itself might be hurt, on the happy event whereof I had taken so warm and due a concern. I, however, at the same time, was convinced, that without an extreme bad faith on the side of the French ministry, it never could be controverted, that so strong a recommendation and interposition, accompanied with the immediate dispatching of those notes, must be construed as standing in a secret, and so close a connexion with the same, that there was no possibility to carry one point into execution, in case they should refuse to fulfill the other part of the convention, as the omitting of an explicit expression of that condition was advised by delicacy, and with a view that the French ministers the easier might prevail on the different parties by which France at that time was, and is still divided, and so might be enabled to bring about that good end, which, to embrace, we then had reasons to think her disposed to.

Her bad faith has manifested itself since, when she, foigning to be ignorant of what she owed to the recommendation and interposition of a sovereign, placed at the head of a great and gallant nation, yet insisted on the admission of those notes in their altered quality, and accompanied her different urgent applications concerning them, with threats, that the persons charged here with her affairs, should, in case of a refusal, be recalled. Whilst they continued those negotiations, they committed the barbarous and unheard of murder of their own sovereign; and when my heart, which of all Spaniards, was filled with horror and mortal indignation at so atrocious a crime, they durst yet to continue the negotiations, certainly not supposing that there was a probability of their being admitted, without compromising my own honor, and that of my subjects, well knowing that any application, under such circumstances, really bears the stamp of irony and mockery, to which no hearing could be given; without violating honor and friendship, they requested passports to embark their agents, which were granted. At the same time a Spanish vessel being taken on the coast of Catalonia, by a French vessel, I ordered the commander-in-chief to set by reprisals; and, at almost the same time, intelligence arrived of other captures made by their vessels, and of their detaining and laying an embargo on our shipping at Marseilles, and other ports of France.

Finally, they, on the 16th, declared war against us, in which we were involved before, (though without a public intimidation) from at least the 26th of February, that day being the date of the commission against our men of war
and merchants, and of the other papers that were in possession of the French privateer called the Fox, Captain John Baptista Lalane, when he took our brig the Active, commanded by Captain Don Juan de Dios Capete, with a Spanish vessel laden with gunpowder, conducted by him.

Therefore, to retaliate such conduct, and considering the hostilities begun by the French, even previously to the declaration of war, I have despatched this letter to discover, destroy, defend, and attack, the enemy, by sea and land, as opportunities may offer, resolving and ordering that, from hence, war is declared at this court to France, her dominions and inhabitants, and that those regulations be despatched throughout every part of my dominions, that they may prepare for their defence, and for open offence against the enemy. The present are conformable with the records in council for the accomplishment of what relates thereto. Given at Aranjuez, the 23d of March, 1793.

By the King:

Count DE CANADA.

Messa. Jaudenes and Viar to Edmund Randolph, Esq. Secretary of State.

PHILADELPHIA, March 5, 1794.

SIR,

The assurances of harmony and good disposition towards Spain, which, on different occasions, the Government of the United States have given to us, and especially those which you, sir, on the 1st instant, verbally repeated to Don Veedo, and corresponded with the confidence and frankness of which said messages received by us, do not seem to authorize proceedings so hostile and contradictory as those practised by several individuals, citizens of the United States.

Your penetration will immediately lead you to perceive that we allude to those expediions which are in motion in the respective States of South Carolina, Kentucky, and Georgia, against the dominions of the King, our master.

The copy of a letter written by the Governor of East Florida, near Georgia, (which we have the honor here to enclose for your consideration) plainly asserts the truth of what lately has passed; and the different intelligence received in this capital, evince the situation of the other provinces of the same and adjacent States, are in entire agreement with those of the Governor of East Florida, sufficiently and strongly urges the nullity of the like conduct on our part within the United States, and the Government of the United States must needs be informed thereof better still, we deem it superfluous to dwell here on representations against absurd charges of this kind; therefore, we consider the despatch of the aforesaid letter, and the conduct of the Governor of East Florida, sufficiently to enforce the execution of their laws and regulations, as well as the notorious partiality of their citizens and individual inhabitants in favor of France, tending to the open prejudice of the interests of Spain, are likely to interrupt the good understanding and sincere amity that happily subsisted between the two nations to the present period, and which the United States the Government took upon as a connexion of consequence.

We expect, with confidence, that the energetic and prudent measures the States will adopt for preserving so advantageous a connexion as that with the nation we have the honor to represent, will be productive of the most solid and reciprocal harmony; to cultivate which his majesty has ever shown so happy a disposition. We have the honor to subscribe ourselves, &c.

JOSEPH IGNATIO DE VIAR, JOSEF D. JAUDENES.

P. S. According to our best information, a certain Dr. O'Fallon is one of the principal accomplices and abettors of the plots of the United States ordered to be apprehended, on the application of our predecessor in office, Don Diego de Garloqui, for projects of a similar nature.

He was, it seems, designing enough to avoid being taken, and to keep himself concealed. As the seizure of his person has not been yet effected, it is obvious that the United States did not pay due attention to a matter of so serious a nature.

EDMUND RANDOLPH, Esq.

The Governor of East Florida to Governor Mathews.

RESPECTED SIR,

On the 7th instant I wrote to your excellency by Mr. Juan Wallie, Vice Consul of Great Britain, in this city, that I have in my possession a declaration made on oath by an inhabitant of the city aforesaid, by which it appears that an expedition is under contemplation, and preparing against this province; that the American Governor, Samuel Hammond, is to have the command thereof; that Captain Hardy is one of the persons appointed to enrol the people residing in the county of Camden; that the troops so enlisted are to take an oath of fidelity (allegiance) to France and that they have, also, a naval force ready to act in concert with them for the same purpose.

Then I intreated your excellency what I expected from your well known zeal, that you would not neglect any exertion to counteract those wicked designs, that might disturb the intimate friendship subsisting between the court of Spain and the United States.

On the same date, I further informed you of my having charged the British vice consul, above mentioned, persons to appear in my name, and representing my person, and that of the King, my master, before your excellency, or before any other tribunal, with a petition to have the ringleaders of that premeditated attempt put under arrest, in order to obtain the satisfaction and redress due for the insults that were preparing for the royal flag and the dignity of his majesty. Subsequent to that information, I received further intelligence that the hostile project was on the eve of being executed; that, in the county of Camden, aforesaid, there is a body of sixteen hundred cavalry, in three divisions, under orders of the said Samuel Hammond, who has been appointed brigadier general in the British service; that the said divisions of cavalry are fully equipped and officered; that, in the fortified places of the province, there are formed two large magazines of provisions and ammunition of all kind, that were purchased by Mr. Abner Hammond, a brother of the commander-in-chief of that expedition, who is appointed colonel for the cavalry, both being inhabitants of that city; that there are three French frigates to sail from the port of Beaufort, having a thousand or eleven hundred men on board, in order to attack this province both by sea and land at the same time, which will be done in at least three weeks. Those advices not being of an indifferent nature, I had them proved by declara-
tions of various subjects, and confirmed on oath; and, what is more still, I caused the same to be signed by the above mentioned Mr. Abner Hammond, one of the principal heads of the plot, whom I had the good fortune to seize within the limits of my jurisdiction, on the beach of the river St. Juan, whom I now keep under strict guard.

It is a matter incomprehensible to me how men of character and influence in that city, as both the brothers Hammond are, as well as others, suffered themselves to be seduced by the wicked insinuations of the French, even to such a degree as to compromise their own country, as is well known to your excellency that the raising of troops within the territory of a neutral Power, as that of the United States is, or to sail from its bosom with land and sea forces, to carry the sword into this province, is an evident violation of the law of nations, and a breach of the neutral character so solemnly declared, and consequently insulting a powerful monarch in the most formal and unequivocal manner.

Your excellency received my former information, by which I communicated to you the whole of the machina-
tions that were put in motion in that city under your protection against this province under my trust. Being fully persuaded that your excellency, actuated by your zeal in the service, have taken the most efficacious measures to put a stop to those designs by arresting the leaders, as I requested you before, and do now request you again by the
present requisition, which I transmit to you in the most formal terms; in consequence of which, you will please to exert your utmost efforts till the said plot shall be entirely destroyed: meanwhile, I make all possible dispositions to due defence to repel force by force; of all which I shall render an exact account to the King, my master, enclosing for his superior consideration all proofs I am possessed of, and which ascertain the imminent danger of an approaching invasion of the royal flag and his majesty's dominions, that his majesty may cause such steps to be taken as may secure due redress to his majesty. I have also enclosed them to his ministers to Congress, that a demand may be there made in requisite form. Repeating to your excellency the continuance of my affection to your person, I pray God will spare your life many years. Given at St. Augustine, in Florida, on the 3rd of January, 1794.

Your most obedient humble servant,

JUAN NEPOMUCENO DE QUESADA.

Attest the copy to be conformable to its original.

VIAR, JAUĐENES.

FRANCE.

COMMUNICATED TO CONGRESS, MARCH 18, 1794.

Message transmitting an application, by the Minister of France, for an advance of one million of dollars, on account of the debt due by the United States.

Gentlemen of the Senate and of the House of Representatives:

The Minister Plenipotentiary of the French republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

G. WASHINGTON.

The Minister Plenipotentiary of the republic of France to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, March 1, 1794, second year of the French republic.

SIR: The necessities of the inhabitants of St. Domingo, who have taken refuge in the United States since the burning of the Cape, have been noticed by the mother country. She is eager to recall to her bosom her unfortunate children, for the purpose of consoling and relieving them. The executive council have charged me to furnish them the means of returning to France. I must address myself to the United States for an advancement of the sum requisite to defray the expenses and preparations of their voyages; that which has been voted by Congress being insufficient to fulfill the intention of the executive council. I have every reason to believe that the United States will readily concur in the completion of it. Suffering humanity is in question, and those who suffer are Frenchmen.

I greet you fraternally.

JH. FAUCHET.

The Minister Plenipotentiary of the republic of France.

PHILADELPHIA, March 3, 1794, second year of the French republic.

SIR: I have reflected on the request you have made, to indicate to you, by approximation, the sum which would be necessary to fulfill the engagements contracted by the different agents of the republic, and find that I shall want at least a million of dollars, payable in six months, to satisfy the wants of Frenchmen at present in the United States, and to pay off debts, which, in whatever manner they may have been contracted, are sacred to the republic, because they have been contracted in her name.

The Minister Plenipotentiary of the republic of France.

JH. FAUCHET.

MR. RANDOLPH, Secretary of State of the United States.

PHILADELPHIA, March 12, 1794.

SIR: Your letters of 1st and 2d instant, requiring the advance of a million of dollars, have been laid before the President of the United States. He instructs me to inform you, that the sum of one million five hundred thousand livres shall be paid to your order as minister plenipotentiary of the French republic, on the 3d of September next, and an additional sum of one million of livres on the 5th of November next, (1794.) That, for the present, all claims for the anticipations which are understood to have been made by the United States, will be suspended; and that, in the mean time, any of your drafts within the above limits and epochs shall be registered at the treasury, in the order of their presentation. The President, in the determination now announced, has consulted a disposition to comply with your desire, as far as the situation and prospects of the United States have appeared to him at this juncture to permit.

I shall be happy to have a personal interview with you upon this occasion. As three o'clock this afternoon, and my office, seemed, from what passed between us yesterday, to be an agreeable hour and place, I beg leave to expect you.

I have the honor, sir, to be, with every consideration of respect, your most obedient servant,

EDM. RANDOLPH.

Mr. Fauchet, Minister Plenipotentiary of the republic of France.
M. Fauchet, Minister Plenipotentiary from the republic of France, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, March 12, 1794, in the second year of the French republic.

Sir:

I have received your letter dated to-day, and I observe with chargin the dispositions it contains.

When I asked for the advance of a million of dollars, I hoped that a part of that sum would be paid down to me, and the rest at different periods, the last of which should not exceed six months; but, contrary to my hope, the first term of payment is indicated at that epoch only, and the advance.to be made to me confined to half the sum which I had requested.

I pray you, sir, to observe to the President of the United States, that this determination will obviate none of the embarrassments which have affected me; that I must pay cash to the captains of the vessels which may take the colonists to France, and for the subsistence which those unfortunate people require; that I must advance to the latter for such stores at least as are of the first necessity. I request you, sir, to add also, that numerous drafts are drawn on me at sight, or within short periods of each other, by the different agents of the French republic, either for articles of provision for the crews of vessels ready to sail, or for expenses incurred antecedent to my administration, and which it is impossible for me to postpone satisfying immediately.

These various observations will, without doubt, operate a change in the resolution of the President, which you have communicated to me; and the sincere picture which I have traced to you, of my situation, will engage him to make an effort in favor of the allies of America.

And under this reflection, sir, I renew to you the assurance of the sentiments of esteem, so pleasing to me to testify to you.

JH. FAUCHET.

To the President of the United States:

I certify that the instalments, which, according to the contracts respecting the debt to France, accrue in the present year, are one million five hundred thousand livres on the 3d of September, and one million of livres on the 5th of November; which, was there no anticipation, would be payable on those days, respectively. The amount anticipated, there being some unsettled items, cannot be pronounced until a definitive settlement shall have been had.

ALEXANDER HAMILTON, Secretary of the Treasury.

Treasury Department, March 18, 1794.

GREAT BRITAIN.

Communicated to Congress, on the 25th of March, 1794.

Message communicating two letters from an American Consul, relative to the vexations committed on American Commerce.

Gentlemen of the Senate and of the House of Representatives:

The two letters which I now forward to Congress were written by a consul of the United States, and contain information which will probably be thought to require some pecuniary provision.

G. WASHINGTON.

St. Eustatia, March 1, 1794.

Sir:

On the 9th ultimo I had the honor of addressing you, and of expressing, with deep concern, my apprehensions of the design of the British nation upon the flag of the United States; and had not all communication have ceased, between Martinique and the British islands, for a month previous to my letter, I might, possibly, have derived such authentic information of the then prevailing symptoms of events, as would have justified my giving, to the American vessels in these seas, as well as to the Executive of the United States, an official and more satisfactory account; but, placed as I have been, I have done no more than to suggest to them, from time to time, my suspicions of a nation long used to committing acts of violence and of depredation.

The ship Delaware, in which I had taken passage for Philadelphia, was, on the 7th instant, captured by the Experiment privateer, of Bermuda, and carried into Monserrat; on her arrival stripped of her sails; and, by order of the judge, the captain's papers and mone were peremptorily demanded: I waived a compliance, and at the instant waited on the judge; and, in the mildest terms, observed the impropriety of my exposing, by compilation, public papers; which, if the United States were not at war with England, ought to be deemed sacred; or my private papers, which did not, in the most indirect manner, relate to the ship or cargo in question. Such assurances did not satisfy the curiosity of the judge; and, the next day, my desk was seized and forced. The ship Delaware, with thirty-three other American vessels, have been condemned, in the vice court of admiralty of Monserrat; about the same number have been also in St. Kitts; and upwards of one hundred and fifty more have been arrested, and carried into the different parts of the English Windward Islands, and no doubt will share the same fate.

The judges of the courts of admiralty of these English and Dutch Islands pretend to derive their sole authority from Mr. Dundas's instructions, (a copy of which I have the honor herein to transmit you) and some of these gentlemen are so candid as to say, that the Powers combined against France mean to suppress every species of neutral commerce, with the people composing that nation, while at war.

This conduct, arbitrary and unauthorized, on the part of the coalesced despots, in my poor opinion, does not seem to satisfy the avarice and ambitious views of Great Britain; whose privateers, and even government vessels, have in certain instances, seized our flags though cleared from America, for neutral and her own ports, or bound from such ports to America.

The ship Sydney, of Baltimore, cleared for this place, had arrived, two weeks since, under the cannon of one of its fortresses, and was there captured by a small English privateer, carried into St. Kitts, is libelled, and, in the general opinion of that island, will be condemned. Other vessels from America, cleared and actually on a direct passage to neutral and British ports, have been likewise taken and libelled, in British courts of admiralty; and judges, sir, have been heard to say, that although no documents could be found to prove that such vessels intended to trade with the French, yet it was reasonable to suppose that such might have been their designs.
Conceiving that it must be dear and interesting to the United States to secure the services and attachment of their seamen; I have made use of my feeble exertions to obtain them safe passages home; in part I have succeeded; and shall not hesitate, should the necessity of the case require, to charter a vessel for such as should experience a want of conveyances; but, it is with pride and gratification I have the pleasure of observing, sir, that these honest tarst cannot be diverted from hastening to the arms of their much injured country.

Sir Charles Grey, with ten thousand men, have seized upon St. Pierre, and many other defenceless parts of Martinique, and is now menacing the formidable fortress of Fort Bourbon Rochambeau has courage, ammunition, force, and provisions enough, in my opinion, to set him at defiance; and I venture to believe, and do most zealously hope, that he has virtue enough to teach Sir Charles that British gold is not capable of affording a key to every temple of liberty and virtue.

With sentiments of attachment and respect, sir, I have the honor to remain,
Your most obedient and most humble servant,

The Secretary of State.

FULWAR SKIPWITH.

St. Eustatia, March 7, 1794.

Sir:—My letter, of the 1st instant, will have afforded some detail of the situation of about two hundred and twenty sail of American vessels, seized upon by British vessels of war, and carried into different English Windward ports. The whole of those vessels, with thirty others, which have been captured since my last respects, were, immediately on their arrival in those different ports, libelled; but only those in Dominique, Antigua, Montserrat, and St. Kitts, have been condemned; making, in the whole, about one hundred and fifty sail. The greater part of the people, belonging to those vessels, have rendezvoused here, in order to obtain passages for America; and, having been stripped, many of them, of the little resources they had possessed, I have ventured to procure, on account of the United States, a sufficiency of bread, beef, and water, to support them to their respective homes; vouchers and receipts of which, I will have the honor to lay before the Executive of the United States, on my arrival in Philadelphia; and, I flatter myself that the step will meet their approbation, when they become satisfied that my sole motive for undertaking the measure has been to guard our seamen; many of whom would have entered into foreign service.

I have not heard as yet of any other official communication having been received from the combined Powers, maritime, than the instructions of Mr. Dundas, (a copy of which I had the honor to transmit, in my letter of the 1st instant) but, the prevailing Dutch and English opinion seem to be, that they mean to suppress not only all neutral commerce, directly carried on with the French, but that French manufactures and produce shall serve to contaminate any vessel in which they may be found.

Anticipating the honor of paying, personally, my respects, are long, I have the pleasure of remaining, with sincere respect,
Your most obedient and most humble servant,

The Secretary of State.

FULWAR SKIPWITH.

3d Congress.

No. 87. [1st Session.

EMBARGO.

COMMUNICATED TO CONGRESS, MARCH 28, 1794.

Message suggesting the extension of the Embargo to Fishing Vessels, &c.

UNITED STATES, 28th March, 1794.

Gentlemen of the Senate and of the House of Representatives:

In the execution of the resolution of Congress, bearing date the 26th of March, 1794, and imposing an embargo, I have requested the Governors of the several States to call forth the force of their militia, if it should be necessary for the detention of vessels. This power is conceived to be incidental to an embargo.

It also deserves the attention of Congress how far the clearances from one district to another, under the law as it now stands, may give rise to evasions of the embargo. As one security, the collectors have been instructed to refuse to receive the surrender of coasting licences for the purpose of taking out registers, and to require bond from vessel owners, binding one district to another, for the delivery of the cargo within the United States.

It is not understood that the resolution applies to fishing vessels; although their occupations be generally in parts beyond the United States. But without further restrictions there is an opportunity of their privileges being used as means of eluding the embargo.

All armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted) are considered as not liable to the embargo.

These circumstances are transmitted to Congress for their consideration.

G. WASHINGTON.

3d Congress.

No. 88. [1st Session.

GREAT BRITAIN, FRANCE, AND ALGIERS.

COMMUNICATED TO CONGRESS, APRIL 4, 1794.

Message transmitting letters from our Minister at London; advices from Algiers; and a letter from the Minister of France.

UNITED STATES, 4th April, 1794.

Gentlemen of the Senate and of the House of Representatives:—I lay before you three letters from our Minister in London; advices concerning the Algerine mission from our Minister at Lisbon and others; and a letter from the Minister Plenipotentiary of the French republic to the Secretary of State, with his answer.

G. WASHINGTON.
Dear Sir:  

This serves to cover an additional instruction, which, though dated the 6th of November, was made public at the admiralty some days ago, and has been received by me last post. I am, with sincere respect, dear sir, your faithful and obedient servant,  

THOMAS PINCKNEY.  

The Secretary of State.  

I mention the circumstances of the dates because it appears to me of some importance.  

Dear Sir:  

At the moment when I was preparing to go to the conference with Lord Grenville this morning, I received a note from him informing me that he had left the meeting. I then endeavored to see Mr. Burgis, but without success; as this is the last hour for writing by the packet, I must send the enclosed additional instructions without any explanation obtained from the ministry. The Danish minister is sick and at Bath; but the Swedish minister appears alarmed at this measure; as I am informed the mercantile interest connected with America appear to be, from a communication of them having waited on Mr. Pitt. Upon this instruction, as it stands, it is unnecessary for me to make any comment. If a repeal or modification of it should take place, or if I can obtain the principles upon which this Government has issued it, I will immediately communicate. Toulon is again possessed by the French republic; we have not yet the particulars. I remain, &c.  

THOMAS PINCKNEY.  

The Secretary of State.  

G. R.  

Additional instructions to the commanders of all our ships of war and privates that have, or may have, letters of marque against France.  

L. S.  

Given at our Court at St. James's, the 6th day of November, 1793, and in the 34th year of our reign.  

That they shall stop and detain all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and shall bring the same, with their cargoes, to legal adjudication in our courts of admiralty.  

By his majesty's command.  

H. DUNDAS.  

My Dear Sir:  

You will receive, herewith, the copy of an instruction to the commanders of His Britannic Majesty's ships of war, &c., dated the 8th of this month, concerning which I had another conversation this morning with the Minister of the Foreign Department. On his saying, in the introduction of the subject, that he hoped I was in it a manifestation of the good will of this Government towards the United States, I observed that it was my misfortune to have been the only minister of the ministers in whose country there was an understanding with the United States, that it revolved, and might be as favorable as the principles upon which this Government acts would admit; but I reminded him that our ideas differed materially from theirs on this subject; and without repeating the arguments I had before addressed to him, both verbally and in writing, in support of our position, it was only to say, that if the Briton did not think it his interest to maintain that which he had promised to support, but his nation's, under all circumstances, I remained, &c.  

H. DUNDAS.  

The Secretary of State.  

FOREIGN RELATIONS.  

LONDON, 26th December, 1793.  

THEODORE PINCKNEY.  

This follows the letter from Mr. Pinckney, of January 2d, 1794.  

I remain, with sincere respect, dear sir, your faithful and obedient servant,  

THOMAS PINCKNEY.
GEORGE, R.

Instructions to the commanders of our ships of war and privateers that have or may have letters of marque against France. Given at our Court at Saint James's, the 5th day of January, 1793.

As you are about to lay before the President a statement of the claims relative to the seizures and spoliations which have been, or may be, committed by some of your vessels, on the complaints, well or ill founded, which have been brought against privateers and two ships of war of the French republic. You will not observe with less pleasure, in my reply, that the National Convention has already done justice to some of the demands of the merchants of the United States, and are now occupied in satisfying some others.

In the list of complaints against the republic of France, the complainants urge that the French privateers do not less harass your commerce than those of the English.

To this assertion I answer by two observations which I submit to your impartiality.

1. It is now some time since any of our privateers have sailed out of the ports of France, and the number of those which have been armed in our islands, is not to be compared with those piracies which the islands of Bermuda alone send forth.

2. If any of your merchants have suffered any injury by the conduct of our privateers, (a thing which would be contrary to the instructions) they may, with convenience, address themselves to the French Government, which will, never refuse justice to those whose claims shall be legal.

I feel a pleasure in thinking, and saying to you, that it is not the fault of the French, if commercial property, even of enemy nations, has not been respected amidst the horrors of war.

This proposition of natural right was made by one of our legislative assemblies to the British, who rejected it.

2a. It is imputed to two of our ships of war that they have committed outrages on your vessels.

Should the fact be proved, the captains of those two vessels are as culpable towards France as they are towards the United States, for having acted in a manner contrary to the instructions they have received. The Government, upon information of the crime, will most certainly punish the authors of it. It would be unjust to accuse a nation generally for the act of some individuals, when that nation disavows their conduct, and repairs the wrongs which they have committed.

3d. If the effect of oppression in the courts of admiralty are complained of.

The offensive acts of the admiralty courts need no longer be complained of, since, on the claims of merchants of the United States, the Convention, on the 5th November last, passed a decree giving to the executive council the power of judging on the validity or invalidity of prizes.

3e. It is as follows.

The report of the Committee of Public Safety, decrees that all disputes arisen, or which may arise, on the validity or invalidity of prizes made by privateers, shall be decided, by way of administration, by the provisory executive council. The decree of the 14th February (O.S.) attributing the judgment of this matters to the commercial tribunal, is repealed.

*Copy agreeable to the original.*

"JH. FAUCHET."

The 4th allegation would require a long discussion, which I shall not undertake here; I shall only indulge myself in this single reflection, that the horrible system of violating the law of nations, in order to starve a people who cannot be conquered by force of arms, has not been invented by France, and that it would be as unjust as barbarous to require that she should allow provisions to pass to her enemies, while those destined for her are taken by them.

As to the embargo on American vessels, inopportun circumstances, the salvation of the country, have imposed that measure; but the interests of no one will be injured; and to convince you of this, I recite an extract of a letter which I have received from a friend, representative of the people of Boston.

It is possible, he writes me, "that some malevolent persons may make use of this pretext (the embargo) to disturb the harmony existing between the Americans and us, or might represent this measure as a violation of treaties between the two nations; the interests of individuals may for a moment cause the general interest to disappear. It is then, to you, brave republican and the true friend of your country, that we must consign the care of defending it to Congress, (should the measure happen there to be calumniated) say to our brethren that it is the intention of the Committee of Public Safety, the actual centre of the French Government, to indemnify all the owners or captains, by the operation of the embargo, have been obliged to remain a length of time in France, and that the propositions which will soon be made to them in the name of the committee, will be advantageous to both nations. In short, my friend, use every means of a frank republican negotiator to convince our brethren, the Americans, that when occurred amongst the aggregate interests of the nation, we do not forget theirs, and they may be assured that they will always find us in faithful observers of the treaties made with nations worthy of liberty.

The fifth and last allegation is, that a contract, the payment of which having been stipulated in cash, has been paid in assignable.

I am unacquainted with the fact, but I am assured that it is the intention of the National Convention that such a contract shall have been completed.

I conclude my reflections, not doubting, sir, but that they will be received with the same interest as would be excited in France by the observations of our allies, to whom I always, with new pleasure, renew the assurance of the most perfect fraternity and eternal friendship, on the part of the people of France.

JH. FAUCHET.
Sir,

You do me no more than justice in believing that I receive with pleasure the explanations which your letter of the 9th ultimo contains. They inspire me with full confidence that my representations, on each complaint, will be treated with candor, and assure me of redress, as far as truth will support my demands.

Omitting what I have here repeated what I have expressed in my letter on the vexations of our commerce, that my inquiry into the facts did not go beyond the consideration of the surface the ostensible. My view was to present a summary only of the subjects of the remonstrances lodged in my office; reserving the proofs for our interviews on the adjustment of the claims of retribution; delivering no opinion how far the charges were supported by evidence; and, above all, not impugning to the French republic the unauthorized misconduct of its ships of war.

I have the honor, sir, to be, with great respect and esteem, your most obedient servant.

EDM. RANDOLPH.

The Minister Plenipotentiary of the French republic.

3d Congress.] No. 89. [1st Session.

GREAT BRITAIN AND SPAIN.

COMMUNICATED TO CONGRESS, ON THE 15TH APRIL, 1794.

Message transmitting to Congress a letter from the British Minister to the Secretary of State, and despatches from the American Commissioners at Madrid.

Gentlemen of the Senate and of the House of Representatives:

I lay before you a letter from the Minister Plenipotentiary of His Britannic Majesty to the Secretary of State; and despatches from our Commissioners at Madrid. These despatches, sir, at Madrid being a part of a business which has been hitherto deemed confidential, they are forwarded under that view.

G. WASHINGTON.

Mr. Hammond to the Secretary of State.

PHILADELPHIA, April 11, 1794.

Sir: In a letter, which I had the honor of addressing to your predecessor on the 13th of September last, I communicated to his excellency my information, by His Majesty's order, of the commanders of all British armed vessels, and accompanied it by some few observations, explanatory of the principles in which it had originated. But as Mr. Pinckney has recently presented to His Majesty's ministers a memorial relative to the instruction in question, I am directed to submit to you, sir, some further remarks on this subject, in reply to that gentleman's representations.

I have formerly stated, that, at the period of issuing this instruction, the situation of France was notoriously such as to point out the prevention of its receiving supplies, as one of the means of reducing it to reasonable terms of peace; and that this species of commerce being almost entirely procured by the then ruling party of France, it could no longer be regarded as a mercantile speculation of individuals, but as an immediate operation of the very persons who had declared, and were carrying on war against Great Britain. Notwithstanding this situation, and these circumstances, His Majesty's Government, so far from proceeding to the extent which the law of nations would have warranted, adopted regulations by which its limits were contracted, and its rigor was qualified: for the instruction only prevented the French from being supplied with corn, omitting all mention of other provisions, and especially of rice, one of the staple agricultural productions of the United States; and even with regard to corn, the regulation, instead of a confiscation of the cargoes, assured to the neutral proprietor a full indemnification for any loss they could possibly sustain.

It is not essential to the present question to enter into an examination of the different definitions which, as you, sir, well know, have been given of the law of nations, and of the consequent diversity of sentiment that has prevailed, as well with respect to the principles on which it is established, as to the obligations which it prescribes. I shall, therefore, not hesitate to admit the broad basis which Mr. Pinckney has assigned to it—reason, and the usage of civilized countries. But I must premise that, though the principle of reason be immutable, its dictates are sometimes governed by circumstances, or liable to different interpretations; and that the usage of nations is fluctuating. Hence, then, in order to ascertain the real nature of the system which is established on this basis, it is necessary to recur to the result of the experience and wisdom of ages and of nations, as it is collected and exposed by those authors who have treated this subject. If it be examined by this criterion, it is manifest that the right of a belligerent Power to stop and even to seize supplies of provisions going to its enemies, is strongly sanctioned in all the ancient authors, and is recognized by Vattel, whose writings contain a much more modified and limited system in these respects than that which is to be found in the books of authority on which the practice and law of nations rest; and, in point of fact, it would, I doubt not, be found, on investigation, that the milder usage with respect to provisions is of a recent date. In regard to the collateral argument which Mr. Pinckney deduces from the enumeration of articles, denominated contrabande de guerre, as contained in particular treaties, it is proper for me to observe that those treaties are not declaratory of the law of nations, but are restrictions and modifications of that law by special agreements between the contracting parties, and are, consequently, neither binding on other Powers, nor even on the parties themselves, in other cases. But even concerning the argument based on the supposed effect of our acts of trade to be enforced by the remaining order of council: for of the two only existing treaties, by which His Majesty's conduct is regulated towards nations neutral in the present war, one (that with Sweden) expressly includes provisions in the enumeration of articles contrabande de guerre, and Professor Martens, one of the most accurate, and unquestionably one of the most modern writers on the law of nations, asserts (page 390, vol. 2) that corn and other provisions, even brandy and tobacco, are comprehended under the denomination of contrabande de guerre in some treaties of commerce. The same author, in the section to which I have referred, adds, that the maritime Powers (especially since the end of the last century) have introduced a practice of declaring to the neutral nations, at the commencement of a war, the articles which would be regarded as contraband; and the sole limitation which he appears to assign to declarations of this nature, is, that they shall not operate to the prejudice of particular treaties which may subsist between the neutral nations and the belligerent Powers promulgating such declarations. The 8th of June, 1793, forest Mr. Pinckney's position, that it is the common interest of mankind that a culture which, like that of the soil, fur- * Vide the eleventh article of the treaty of alliance, concluded on the 21st of October, 1661, between King Charles the Second and his Swedish Majesty.
nishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended because two nations are involved in war? but I must, at the same time, be permitted to observe, that it is at least a question-able point, whether the interests of humanity be not best consolided by a recurrence, on the part of a belligerent Power, to all the honorable means of imposing on an enemy the necessity of submitting to reasonable terms of accommodation, and of extenuating those barbarities or misfortunes of the enemy, which are the inevitable consequences of war. By the property of a neutral Power, both previously (as it is, indeed, declared in the decree of the National Convention of the 9th of May) and subsequently to the instruction in question, has been such as that which Mr. Pinckney appears to have imagined that this measure on the part of the British Government would have a tendency in future to produce.

In Mr. Pinckney's representation of the case it remains for me to offer any further remarks is his apprehension lest the acquisition of the United States in this instruction, being considered by France as a pretext and as a violation of neutrality, that nation might derive from those considerations the right of pursuing a similar course against the United States, by forcibly ruling the high seas, with the property of a neutral Power, both previously, but is a novel doctrine, but is consonant to the law of nations, as explained by the best authors on the subject, and is even recognized by the stipulations of particular treaties, I cannot avoid expressing my disquiet in the proposition that the modification contained in the instruction is, in fact, nothing but an involved manner of the King's Government to adhere, will be regarded by this Government as more favorable to the commerce of America than the general principle of the law of nations, and consequently as a proof of His Majesty's sincere disposition to cultivate and maintain with the United States the most cordial harmony and good understanding.

I have the honor, &c.

GEORGE HAMMOND.

Messrs. Carnichael and Short to M. de Garodqui.

St. LORENZO, October 1, 1793.

Sir,

Some of the communications lately made to our Government by your commissioners at Philadelphia, with respect to Indian affairs, having appeared under a disagreeable complexion, as well as to style as matter, the following notice would be the most proper, and is accordingly addressed, through the medium of these sentiments on those subjects. We accordingly do ourselves the honor of addressing your excellency relatively thereto.

The President has hoped that those communications were not a just expression of the temper of this court and the more so, because, in recurring to the dispositions and proceedings of our Government, nothing is to be found in them but that peace and friendship for Spain, and of the most justifiable, moderate, and forbearing nature towards our Indian neighbors. Perceived that this will appear from a full and true statement of facts, he has thought it proper that we should be furnished with such an one, beginning from an early period, to be communicated to your court.

At the commencement of the late war, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their limits, and neutral, and that accordingly they pressed it on them, urging the object of their wishes to an ultimate and perfect understanding. We strengthened these recommendations by doing them every act of friendship and good neighborhood in our power. With some these solicitations prevailed; but the greater part of them suffered themselves to be drawn into the war on our side, and their continued adherence to us in that war has been singularly conspicuous, and in the most amiable manner, indescriminately, burning their houses, and desolating the country. They put us to vast expense, as well by the constant force we were obliged to keep up in that quarter, as by expeditions of considerable magnitude, which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation or pretext of injury. They had added greatly to the cost of war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former Government were generally ill defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors, by introducing among them some of the most useful articles of consumption, the trade relations of both nations, and particularly the mutual boundaries were settled; and notwithstanding, our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a proper light, we waited the period of independence, and granted them annuities in money, which have been regularly paid, and were equal to the prices for which they usually sold their lands.

Sensible as they were of the wrongs they had done, they expected to make some indemnification, and were for the most part satisfied with the mode and measure of it. In one or two instances, where a dissatisfaction was observed to remain as to the boundaries agreed on, or doubts entering on the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be inconsistent of it. This was particularly the case with the Creeks. They complained of an inconvenient cession of land on their part, and a great part of it, not only representing their nation. They were, therefore, desired to appoint a proper deputation to revise their treaty, and to ascertain the correctness of any unfair practices. They have been invited to come to the seat of the General Government, and to treat with that directly. They accordingly came. A considerable proportion of what had been ceded was yielded back to them, and nothing required in lieu of it; and though they would have been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well. Their nation too would have been satisfied, for they were conscious of their aggressions, and of the demand made upon them with justice by which we had been contends. But at that time came among them an adventurer, of the name of Bowles, who, acting from an impulse with which we are unacquainted, flattered them with the hope of some foreign inter-ference, which should undo what had been done, and force us to consider the naked grant of their peace as a suffi-cient satisfaction for their having made war on us. Of this adventurer your Government rid us. But we are obliged to say, that the same practices and excitements against us were continued by the officers commanding at New Orleans and Pensacola, and by agents employed in their actions. We have already had the honor of communicating with your excellency on these subjects, and we were desirous to renew the business, because we flattered ourselves with your Excellency that the final settlement of the limits would eradicate all grounds of difference on these heads. In the mean time it cannot be doubted that these officers called assemblies of the Indians, and by the usual means of Government, offered the treaty which we had previously made with the Cherokees in the spring of 1793, and that they support them with all the powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quantities, for the avowed purpose of committing hostilities on us, and promised them future supplies of powder, ammunition, and arms. These Indians, one part of the nation only, settled at Chickamauga, and a band of mixed with bands from the Illinois and other tribes, acknowledged control from none, even in a state of peace, have readily engaged in the hostilities against us, to which they were once taken. But what was

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much more important, great numbers of the Creeks, chiefly their young men, have yielded to these incitements, and have murdered for more than a twelve month been committing murders and desolations on our frontiers. Really deserves of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, insomuch that no one has been heard to say that the Creeks have occasioned our suffering or trouble. We have multiplied our asso-
tiations to them; fed them, when starving, from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine, and must have perished in great numbers, we carried, to their country and distributed among them, gratuitously, ten thousand bushels of corn, and that too at the very time we were ourselves suffering from want. It is clear that it is not merely the disposal of these deprivations which involve more considerable parts of the nation, we are still demanding the punishment of the guilty individuals, and shall be contented with it. These acts of neighborhood kindness and support on our part have not been confined to the Creeks, though we have occasioned our suffering against the United States, and have more than once been guilty of insubordination. The Creeks are in fact, a people seditious by nature. In the present season, among the great and respectable tribes of the United States, we are the only bureau of the public services, which are to them also, at first five hundred bushels of corn, and afterwards hundred more. Our language to all the tribes of Indians has constantly been, to live in peace with one another; and in a most especial manner we have used our endeavors with those in the neighborhood of the Spanish colonies to be peace- ful. We have sent emissaries to the Spaniard, and had relations with the agents of the United States on these heads; and we are now authorized and instructed to declare, that such has hitherto been the candid and zealous endeavor of our Government, that, if its agents have in any instance acted in another way, it has been equally unknown and unauthorised; and that, were even probable proofs of it, they should be marked with the disapprobation of Government.

In this state of things, in such dispositions towards Spain, and towards the Indians, and in such a course of proceedings with respect to them, the late communications were made from your commissaries at Philadelphia. In their last, of the 18th of June, they exhibited to the House the several papers which had been presented against the United States, and which had been communicated to them.

The most extraordinary of these papers was a letter which was written to the Creeks, threatening them with war on the Creeks. Were this true, it would not be unjustifiable. The Creeks have now, a second time, commenced against us a wanton and unprovoked war; and the present one, in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing out of the common course of proceeding, then, for us to engage allies, if we needed any, for we have always been disposed to the best treatment of these Indians, with their present state of society, and with the world to produce a single proof of it. The declaration of the war by the Chickasaws, as we are informed, was a very sudden thing, produced by the murder of some of their people, by a party of Creeks, and produced so instantaneous as to require us to engage allies immediately. By this we are exerting that nation to preserve peace, because, in truth, we have a most particular friendship for them. This will be evident from the copy of a message to the President of them, which we do ourselves the honor to enclose to your excellency.

We also furnish the Chickasaws with provisions and arms. The gift of provisions was but an act of that friendship to them, when in the same distress which had induced us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe it is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and this for purposes of avowed hostility on us, and for the purposes of injuring us. The Creeks have not attempted any thing so inconsiderable as arms, but have erected that nation to preserve peace, because, in truth, we have a most particular friendship for them.

With aiming at the occupation of a post at the Ecores Amargos. Considering the measures of this nature which have been adopted by Spain (having, since the proposition made to the United States to treat with them on the subject of limits, established posts on the Walnut-hills, and other places for two hundred miles upwards) it would not have been wonderful if the United States had taken some similar measures, if they have not done it. They thought it right to give a fair chance to the negotiation going on, and to make no innovation, pending the negotiation. In this spirit they forbade, and deterred, every by military force, a large association of their citizens, under the name of the Yacoo companies, which have been formed to settle themselves at those very Walnut hills, which have been occasioned by the occupation of the British Government from meditating the particular establishment so boldly charged in the letter of your commissaries, that they know not what place is meant by the Ecores Amargos.

This charge, then, is without foundation also.

In short, the United States are not meddlesome, and regard no distinction to the Indian chiefs. This has been a custom from time immemorial. These medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good offices, conciliatory of their good will towards us, and not designed to produce a contrary dis-
tosition towards others. They confer no power, and seem to have taken their origin in the European practice of giving medals to the friends of the particular person, as a mark of respect and of distinction. The British Government, while it prevailed in the United States, practised the giving medals, gor-
etts, and bracelets, to the savages, invariably. Our Government has continued it, and did imagine, without pretend-
ing to know, that Spain also did the same.

The United States are charged, also, with meddling with the affairs of Indians in alliance with Spain. It is difficult to know precisely what this charge means. The Indians on our frontiers treat both with Spain and us. We have endeavored to cultivate their friendship, to merit it by presents, charities, and extortations to peace with their neighbors, and particularly with the subjects of Spain. We have carried on some little commerce with them, merely to supply their wants. Spain too has made them presents, traded with them, kept agents among them. We hardly, can suppose, that this kind of meddling on our part can be seriously objected to; and we conse-
quently pass over the complaint made of the United States having not done so effectually as we might have done it, and the United States have, on the contrary, done what they could, when there existed, or to have been in use.

We have forborne to make any observations ourselves, with respect to the style and expressions of the communica-
tions above mentioned, because we take it for granted that copies of them must have been forwarded by your com-
misseries, and are willing that they should be simply referred to the announcement, piety, and superior judgment of your excellency.

The commissioners finally concluded with observing what your excellency will readily see could not but have been sensibly felt by our Government, that, on a review of the proceedings of the United States with respect to Spain, and the Indians her allies, they foresaw that our peace and friendly relations with them would have been sugges-
ted, to us, as to the calamitous picture which we have thus presented to your excellency of what those proceedings have been, the most natural inference from this conclusion of the commissaries was, that, unless the United States submitted still longer, without resistance, to the singularly inconsiderate measures of their present ally, they would in the course of time be deprived of all their savage cruelties, with all the other things which was necessary to all that the United States, who, from inclination as well as interest, cherish peace with all the world, had been for years exhausting all the means in their power of procuring it from the Creeks in particular, and that with a degree of forbearance and moderation, of which, we believe, there are few examples in any other country. They add, that the Indians, with whom the Creeks have meddled, and who may, without any confidence, be considered as the sequel of the communications which had been previously made at different times, it appeared to the President of a nature not to admit of his concealing the impression it made on him, and particularly in comparing it with the constant dispositions which our Government has uniformly felt and manifested towards the Creeks. We trust that the measure the President has adopted, of transferring this subject here, and of having it pre-
sented in its fullest extent to the immediate view of His Majesty, will be considered as a new proof of the high sense
which is entertained in the United States of His Majesty's sentiments, of the important consideration which they annex to whatever may proceed from so magnificent a sovereign, and of their real desire to cultivate, by all possible means, the most perfect cordiality and friendship between the two countries.

We have received extracts from the instructions of our Government, to their agents on the frontiers, and among the Indians, which being indicative of their dispositions as well towards Spain as our Indian neighbors, we do ourselves the honor of enclosing copies of them to your excellency, and beg you to be persuaded of the sentiments, &c.

* W. M. CARMICHAEL.

W. SHORT.

Messrs. Carmichael and Short to the Duke of the Alcudia.

St. LORENZO, October 30, 1793.

Sir:

We have the honor of addressing your excellency in consequence of our new learning from his Excellency Don Diego de Gardoqui, that it has been judged proper that the subject contained in our letter to him of the 1st instant, should be treated with your excellency. In handing it in the first instance to another department, we have committed an error of form, we hope your excellency will have the goodness to excuse it, as we were led to it from the instructions on that subject having been addressed to us jointly.

We beg leave to refer your excellency to our above mentioned letter, as we were informed that it had been lately transferred to the hands of your excellency, with the other papers accompanying it. We conceive nothing need be added to what was there said, to show how invariable the endeavors of our Government have been to bring their southern Indian neighbors to the ways of peace by all the possible means of justice, humanity, and moderation; and to leave no doubt, if they should be brought to adopt other measures with respect to them, that it can proceed only from their own wanton continuance of such depredations and cruelties as to admit no hopes of their being put an end to but by force.

Under this idea we allow ourselves to hope that your excellency will consider it as corresponding to these sentiments which the United States have ever manifested towards His Catholic Majesty, and particularly in this instance, to remove those superfluities which have been given to our Government in the manner we have mentioned, of an intended interference of Spain between the United States and their Indian neighbors.

We hope your excellency will be assured of the pleasure we shall receive, in being made the organ of so agreeable a communication, in whatever manner may appear proper to the superior intelligence of your excellency; and we beg leave to add assurances of the profound respect, &c.

W. M. CARMICHAEL.

W. SHORT.

Messrs. Carmichael and Short to the Duke of the Alcudia.

St. LORENZO, November 12, 1793.

Sir:

We had the honor of addressing your excellency on the 29th of October, on the subject which we had previously expressed fully, in our letter of the 1st of the same month, to his Excellency Don Diego de Gardoqui. As yet we have not had the honor of receiving an answer of any kind.

The circumstances which gave rise to these letters are known to your excellency. Communications made by the commissioners of His Majesty at Philadelphia, were understood to contain a menace of interference on the part of this country in favor of our Indian neighbors, who were then committing daily acts of hostility on our frontier. As this exhibited doubts as to the dispositions of a sovereign whose friendship has been ever placed in the highest rank by the United States, the President determined to have this subject adjusted fully before this court; and, that there might be the least possible delay on his part, he sent a special messenger from America, trusting that he would carry back such assurances as would entirely remove the doubts which had been excited. This messenger has hitherto been repelled by us in that hope, and waits now only for the answer which your excellency may judge proper to give to the letters above mentioned, as has been repeated, also, in the audiences which one of us has had the honor to have of your excellency.

After the delay which has already taken place, with the cause of which we are unacquainted, and, consequently, ignorant of the sentiments which may be entertained by his Majesty's minister to this effect, your excellency will excuse me renewing this subject, and expressing our anxiety to despatch the messenger, whose embarkation is rendered every day more precarious, by the advancing season.

We beg leave to trouble your excellency with a repetition of the several articles contained in our precedent letters, to which we beg leave to refer. We have, &c.

W. M. CARMICHAEL.

W. SHORT.

The Duke of Alcudia to Messrs. Carmichael and Short.

St. LORENZO, November 15, 1793.

Gentlemen:

Don Diego de Gardoqui has, in the 18th ultimo, delivered to me the memoir that you transmitted to him on the first of October, last past, conveying complaints, in the name of the President of the United States, on account of some official papers, as disagreeable respecting their form as their contents, that were presented by Don Jose de Jaudenes, his confidential assistant, chargés des affaires for the King, at Philadelphia. To that end, you have entered into an historical recapitulation of the wars that has occurred between the United States and the Indian nations, who border on those United States and the dominions of the King, from the beginning of the late war with England to the present period, in order to prove the justice, moderation, and temper, with which they have always proceeded towards the Indians, by sacrificing, in many instances, their own interest, in order to preserve peace, as also to evince the inclination manifested by the United States, on all occasions, and especially of late, for maintaining perfect harmony with Spain. You continue to declare how strange the tenure of the different memoirs presented on the 20th of May, and 18th of June, of this year, by Don Jose de Jaudenes, and Don J. Ignacio de Vies, appeared, on which, having added some remarks, you conclude by citing that paragraph of the memoir of the 18th of June, which has been most felt by the President of the United States, and occasioned the despatch of an express, in order to lay a circumstantial account of the whole transaction before the King my master. In compliance with the request of the President of the United States, I have seen all the papers in my power relative to the points of which you treat, and am in a position to say that His Majesty has ordered me to declare to you, that he is fully convinced of the truth and good friendship with which the United States proceed, and does not doubt the sincerity of their answers, nor the dispositions they profess, to cultivate, by all possible means, the most perfect harmony with Spain.

That the chargés des affaires of His Majesty have acted in strict conformity to their orders; however, as those orders never had in view to prescribe to them a captive manner of proceeding, but, on the contrary, a faithful and frank conduct, it is solely owing to that very frankness that they made use of that expression of which the President complains, without having any other object in view than to conclude the interests of both nations.
And finally, that the ideas of His Majesty are, to draw closer the ties of friendship connecting both nations, and by discussing, in the negotiations opened upon the boundary questions, concerning the property of the soil, limits, and other Indian concerns, to establish solid principles of a friendly intercourse and future tranquillity between the United States and the dominions of His Majesty. I avail myself, &c.

MESSRS. CARMICHAEL AND SHORT.

The Duke of Alcudia.

MADRID, November 21, 1793.

Sir: From the letters which we had the honor of addressing to your excellency, the 20th of October and 12th inst. referring to that which had been previously written to His Excellency Don Diego de Gardoqui, it resulted that grounds had been given by the Spanish agents in America, for supposing that this court intended to interfere in favor of the Indians, if the United States should proceed to repel their hostile aggressions; that the President of the United States conceived, that, if such were the intention of this court, it must be in consequence of a misrepresentation of what had taken place between the United States and those Indians; and that, if such were not the intention of this court, that it was his wish and desire to cultivate, that the doubts excited should not be allowed to exist; and, finally, that, in consequence of this disposition, he determined to send a messenger for the purpose of removing, by a full statement of the conduct of the United States towards their Indian neighbors, any misrepresentation which might have been given thereon in the hope of receiving assurances that it was not the intention of this court, as had been suggested by their charges des affaires, to make the peace and harmony between the two countries dependent on what might take place between the United States and the Indians. The letter which we have had the honor of receiving from your excellency having made no particular mention of this object of our communication, we think it our duty to renew it to your excellency. We hope, under the circumstances above mentioned, it will be considered proper, and consonant to that frank mode of proceeding which both countries desire to see established, that it should be expressed whether it be the intention of this court to interfere in the case, rendered highly probable, of the United States being obliged to repel, by force, the hostile aggressions of the southern Indians. In this hope, we have determined still to detain the messenger, rather than despatch him without being enabled, at the same time, to send such answer as your excellency may judge proper to be given to this object of the President's inquiry, trusting a very short delay will suffice.

The sentiments of His Majesty towards the United States, which your excellency has done us the honor to communicate to us, we shall lose no time in transmitting, well knowing with how much pleasure they will be received, as well as whatever may indicate a desire in His Majesty to strengthen the friendship between the two countries. Being firmly persuaded, ourselves, that nothing can more sensibly contribute to the promotion of a subject which you repeat, and cause us to express our conviction of the rights of the respective parties, as to the objects which have hitherto been in discussion, we can assure your excellency we will leave nothing undone, on our part, to give them the most complete and satisfactory investigation. With these assurances, &c.

W.M. CARMICHAEL.
W. SHORT.

His Excellency the Duke de la Alcudia, &c.

The Duke of Alcudia to Messrs. Carmichael and Short.

ST. LORENZO, November 26, 1793.

GENTLEMEN: After acknowledging, in your communication of the 21st instant, my official letter of the 15th, you endeavor again to express, with more precision than was done in your former letters, that our charges des affaires gave occasion to the President of the United States to suspect that Spain intended to favor the Indians, in case the United States should proceed in their measures for repelling, by force, the hostile intentions of those Indians; that the information, thus given, was of such a nature as to clear up those doubts, so prejudicial to the good harmony the President is desirous of maintaining with us, he had despatched an express, in hopes to receive positive information that the intentions of His Majesty are not such as had been supposed to render the peace and friendship between the United States and Spain dependent upon the events that might take place between the United States and the Indian nations. You further observe that, as respecting that point, no particular mention had been made in my said official letter of the 15th, you have detained the express, wishing, previously to his departure, to know whether this court intends to interfere, in case (as it was highly probable) the United States should find it necessary to repel, by force, the hostile intentions of the southern Indians; in order that you may be enabled to transmit satisfactory information to the President. There is no possibility to return a categorical answer at the present moment. His Majesty being deprived of information of what has occurred between those nations and the United States within these seven months last past, consequently had not the means of ascertaining, whether it was intended to form a subject of negotiation with which His Majesty has concluded treaties of friendship and alliance, which have been communicated to the President of the United States by our charges des affaires. Therefore I can only declare, that His Majesty will never grant protection to violences, and will cheerfully listen to any proposals that may be made, on the part of the United States, for preventing hostilities, by specifying each of those points on which His Majesty's resolutions are to be taken, so that, in the negotiation opened for that purpose, all matters may finally be decided with knowledge.

I expect you will please to communicate me above frank and amicable declaration of His Majesty to the President of the United States; and rest assured, &c.

MESSRS. CARMICHAEL AND SHORT.

MESSRS. CARMICHAEL AND SHORT TO THE DUKE DE LA ALCUDIA.

MADRID, December 7, 1793.

Sir: The letter which your excellency did us the honor to address us, on the 30th of November, has been received. In conformity to the desire of your excellency we shall transmit it to the President of the United States, as well as every other communication we shall have the honor of receiving from your excellency.

We beg leave to inform your excellency, that it had been supposed that we had not expressed ourselves as clearly in our preceding communications as in our last of the 21st of November, with respect to the explanations hoped for by the President, as to the apprehensions of the interference of this country in favor of the Indians. Our first communication on this subject was addressed to his Excellency Don Diego de Gardoqui. The verbal explanations were given by that minister, which immediately preceded it, left no doubt as to the apprehensions excited, and the explanation expected. As soon as we learned that this subject had passed into the hands of your excellency, we did ourselves the honor of addressing your excellency on the 20th of October respecting it; and as the same verbal explanations as above mentioned, we hope that your excellency would "remove those ideas which have been given to our
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Government in the manner we have mentioned, of an intended interference of Spain between the United States and their Indian neighbors.

We consider this circumstance incidentally, that there may be no doubt as to our desire of expressing, with the utmost clearness and precision, whatever communication we may have the honor of making to this court, being persuaded that it will contribute to that mutual esteem and friendship which both countries desire to cultivate, that their respective ideas and wishes should be unrestrainedly communicated and fully understood.

We think it our duty to make some observations to your excellency on the letter above mentioned, which we have had the honor of receiving.

Your excellency therein informs us that it is not possible, at present, to give a categorical answer to our demand to the interference of Spain, because, he says, he has no information of what has passed during the last seven months between the Indian nations and the United States, and consequently cannot decide whether those nations are the aggressors with whom His Majesty has treaties of friendship and alliance.

The natural inference from hence would seem to be, that there are cases in which the interference of Spain in favor of the Indians would be only injurious. If it should be the case that an aggressor should not be the aggressor, we might rely fully that they would never occur, from what we know of the fixed and invariable determination of the United States, to be, in no instance, the first aggressor towards any of their Indian neighbors. Still we cannot conceal from your excellency, that it appears to us, that this subject admitted of a much more positive solution on sending His Majesty a more precise account of the occurrence of the present incident towards this court, on this occasion, and the cordiality with which it was done, would have entitled him to it.

The Indians in question inhabit either within the limits of the United States or the domains of His Majesty. As to the first, we take it for granted, the treaties mentioned cannot regulate the affairs of those with whom we had the honor of adducing, in our letter of the 11th of August last, on the same subject, to his Excellency Don Diego de Gardoqui, namely, that one sovereign can have no right to treat with persons inhabiting within the territory of another, and take those persons under his sovereignty and protection; that such a system being adopted by one sovereign would give the other an unquestionable right to make use of it also; and that this would be so contrary to the established laws of nations, and lead to consequences of so destructive a nature, that we supposed that this court would be less disposed than any other to admit of such a precedent.

We do not see, therefore, from whence could arise any difficulty, on the part of Spain, to declare that they had no intercourse with the Indians, and the Indians from expecting those stipulations in the limits of the United States, in any case whatsoever; and if they inhabited within the limits of the domains of His Majesty, that they would not protect their aggressions. Such a declaration as this, on the part of this Government, would have been in full consonance with the law, and the other nations, and as the Indian tribes would have been given by the United States, under similar circumstances, we had hoped they would have received it from Spain.

We must observe also, as your excellency, that the circumstances which have given rise to the President's sending this letter to us, as to the nature of our letters, have none of them taken place within these last seven months. All that passed prior to that epoch is, of course, known to your excellency, and, consequently, it is known, also, whether the Indians were, or were not, the aggressors at that time; and whether, being attacked by the United States, for what had taken place, this court would interfere in their favor, as was clearly to be expected by the chargé des affaires of His Majesty.

So far, at least, as credit is to be given to the statement made by our Government, nothing can be wanting on this subject. We have the honor of laying before this court, by the order of the President, a full statement of what had passed between the United States and the Indians, from a remote period, until the time of the memorable despatch; and we trust, for justice, moderation, humanity, and forbearance, it will bear fully a comparison with the conduct of any other of the civilized nations towards those Indians who inhabit within their domains, or on their frontiers.

The object of the United States was, as it is still, their desire to induce those Indians to cultivate the arts of civilization, and by thus bringing them to the ways of peace, render them more quiet, and consequently better neighbors. Had the Indians been left to themselves, and their own dispositions at that time, to comply with the stipulations of the treaty of New York, and the mode of living there agreed on, there can be little doubt that object would have been attained, and the blood of the defenceless women and children, which they have been since shedding on our frontiers, would have been spared.

After all that has taken place, and under present circumstances, we submit it to the superior intelligence of your excellency, and to the authority of both Catholics, and of the Indians themselves, and other, it be not necessary, under the desire which both Governments have manifested, of strengthening their mutual friendship, that they should be, without delay, fully and unrestrainedly informed of the intentions of each other, with respect to a subject so important as their frontier. It is also the object of the United States, that whilst they remain in their savage state, can have no other rule of conduct but right and prudent.

Hitherto we have found the uncertainty which has prevailed on those subjects imputed to the limits between the two countries not being finally settled. We now do ourselves the honor of transmitting to his Excellency Don Diego de Gardoqui, a copy of the letters from the President of the United States, to the chargé des affaires of His Majesty, that it is the intention of His Majesty that the general negotiation should continue in the channel in which it was begun.

Your excellency shall see from it that those limits were established so long ago as the year 1763; that the acts, by which they were established and confirmed, are pointed out, and are lawful and indisputable; in fine, are as precise, and as valid, as those establishing the right of the United States to any other part of their territory; and that Spain has no title whatever to produce; no document of any kind giving even the color of a right to the territory mentioned in the limits of the United States; we trust your excellency will think it just that that uncertainty should no longer remain.

It cannot be unknown to your excellency that the difficulties which have been raised as to the rights of the United States on the subject of limits and the navigation of the Mississippi, have retarded the negotiation set on foot. After all that has been said, and of which you are well aware, the United States were far from pretending that the obstructions which might have existed at the opening of the negotiation. We have hoped that time and a more accurate examination of the subject would remove them. We now present the claims of the United States on these subjects in such a form, as we think will be derived, that we hope they will appear rigorously just, and in that case we rely, from the known character of his Catholic Majesty, and his attachment to the strictest principles of justice, that they will no longer be withheld; and that thus, all obstacles being removed, the two countries may, without further delay, proceed to settle other objects of mutual concern, conformably to their mutual wishes and interest.

In this hope, we have the honor to be, &c.

W. M. CARMICHAEL.

W. SHORT.

His Excellency the Duke of Alcudia, &c.

Messrs. Carmichael and Short to Don Diego de Gardoqui.

MADRID, December 7, 1793.

Sir: The memorial which we have the honor of transmitting to your excellency is intended to remove that difference of opinion which we have found here, as to the limits of the United States, and their right to the navigation of the Mississippi, and which has hitherto retarded the negotiation with which we have the honor to be charged.

On the one hand, your excellency has regarded the claims of the United States on these subjects as unfounded, and has considered them as asking important cessions of Spain without offering any thing in return, whilst, on the
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other, they consider themselves as claiming only their strict and indisputable right. It is evident that such a varied distribution of heads, which, when it exists, must render it difficult to attain that degree of reciprocity in the negotiation they wish to carry on, which is the only permanent basis of real friendship between the two countries. The measure we have taken will leave nothing undone on our part to remove it.

It would be conformable to usage in similar cases that we should receive, in exchange from your excellency, the signature of the declaration of the non-existence of the claims of Spain in opposition to those of the United States. And should the rights of the United States be still contested, on the supposition that those of Spain are better founded, we hope your excellency will do us the honor to communicate them to us in the same form, that we may have an opportunity of knowing the precise extent of your claim, and of giving expression to the sentiments we wish those of Spain to be submitted; our object being really to ascertain the rights of both countries, so as that they may proceed with a proper understanding to settle those arrangements of convenience which may contribute to advance their mutual interests and strengthen their mutual friendship.

We, the commissioners plenipotentiary of the United States, therefore, proceed to reduce to a more permanent form the claims of the United States, which we have heretofore stated and supported in the conferences, and to show the titles from which they are derived.

The several compositions of the United States of America were, from their first establishment, dependent on no other society of men whatever. They continued at the head of their respective Governments the executive magistrate that presided over the one they had left, and thereby secured in effect a constant amity with that nation during the whole of their connexion. In this stage of their Government, the several boundaries were fixed, and particularly by the Southern boundary, the one now brought into question by Spain. This boundary was fixed by the proclamation of the King of Great Britain, his chief magistrate in the year 1763, at a time when no other Power pretended any claim whatever to any part of the country through which it ran, all the territory on the left side of this line and extending from the Mississippi to the Red River, having been previously yielded by the treaty of Paris, to which his Catholic Majesty was one of the high contracting parties.

The boundary of Georgia was thus established to begin on the Mississippi, in 31 degrees of latitude of the equator, and running easterly to the Apalachicola, thence along the said river to the mouth of the Flint, thence in a straight line of 170 miles to the lake Florida, thence along the line of the Florida river to the coast of the Gulf of Mexico, and thence along the coast of the Gulf of Mexico to the 31st degree of the parallel of 170 miles from the said river to the coast of the Gulf of Mexico, and thence along the coast of the Gulf of Mexico, with the S. and W. extremity, originally the Pacific ocean, was by the treaty of Paris reduced to the middle of the Mississippi.

In the late war which took place between Great Britain and the confederated States, (and in the course of which we were joined by the British, as an ally, by Spain and Holland as associates, having a common enemy) this boundary was the line of demarcation to the defence of the country between the two nations, and to the war against Great Britain and that which continued under British Government; Georgia having entered into the confederation, and Florida remaining in its former state. At the conclusion of hostilities, Great Britain, by the only Power against whom the United States were engaged in the war, was ceded to France, as they had not been able to defend it to the advantage of Spain, as is pretended, but on the contrary confirming that of Georgia, in particular, as it had existed from the year 1763.

The treaty afterwards made with Spain, Great Britain ceded the two Floridas (which had been defined in the proclamation of 1763) and Minorca; and, by an express article of the treaty, Spain agreed to restore, with all compensation, all the territories conquered by her, and not included in the treaty, either under the head of cessions or restitutions—that is to say, all except Minorca and the Floridas.

The Congress, by their express and unequivocal declaration, have delivered up the possessions she had taken within the limits of Georgia, to Great Britain, if they were conquests on Great Britain, who was to deliver them over to the United States, or rather Spain should have delivered them to the United States themselves, as standing, quoad locos, in the place of Great Britain. Spain was bound also by natural right to deliver them to the United States, on a strict consideration of the principle set up in the cession of, without having had any cause of war with the United States, to whom they belonged, and without having declared any, but on the contrary conducting herself, in other respects, as a friend and associate in a war against a common enemy.

It is an established principle that conquest gives only a right to recovery, a perfect title confirmed by the treaty of peace, and by a renunciation or abandonment of the former proprietor. Had Great Britain been that former proprietor, she was so far from confirming to Spain the right to the territory of Georgia invaded by Spain, that she expressly relinquished to the United States any right that might remain in her; and afterwards completed that relinquishment, by further procuring and consolidating the agreement with Spain herself to restore such territory, if comprised within the conquests of Spain, without compensation.

It is still more palpable that a war existing between two nations, as Spain and Great Britain, can give to neither the right to seize and appropriate the territory of a third, which is even neutral, much less which is an associate in the war, as the United States were with Spain.

On the conclusion of the general peace, the United States lost no time in requiring from Spain an evacuation of their territory. This has hitherto been delayed, by means which need not be explained here, but which have been confirmed by the right, and to the present of the United States.

From what has been said, it results—

1. That the boundary of Georgia, now forming the southern limits of the United States, was lawfully established in the year 1763.

2. That it has been since confirmed by the only Power who could at any time have had pretensions to contest it, founded on a state of war.

3. That Great Britain, by the late treaty of peace, obtained of Spain a renunciation to all pretensions within this boundary, so as to have removed every pretext for questioning the right of Great Britain to have confirmed that boundary to the United States.

4. That Spain can have no right to any claim by conquest, within the limits of the United States, having never been the state of Spain with them.

The right of the United States to participate in the navigation of the Mississippi rests on two separate and distinct foundations, either of which would suffice to establish it clearly. These are—

1. The treaties of Paris of 1765, and of 1783; the latter between the United States and Great Britain.

2. The law of nature and nations.

1. The war of 1755—1763 was carried on jointly by Great Britain and the thirteen colonies, now the United States of America, against France and Spain. By the treaty of peace, which was negotiated by our common chief magistrate, and to which, as has been observed, his Catholic Majesty was one of the high contracting parties, it was secured to the subjects of Great Britain (the common designation of all those under his Government) to navigate this river, in the terms following:—The navigation of the river Mississippi shall be equally free to the subjects of Great Britain and those of France, in all their ships and vessels, forever; and especially this part of the river which is between the above mentioned island of New Orleans and the right bank of this river, as well as the entrance
It is moreover stipulated, that vessels belonging to the subjects of the one or the other nation, shall not be arrested, visited, or subjected to the payment of any duty whatsoever.

Spain soon after received from France a cession of the island of New Orleans, and all the country she held westward of the Mississippi to the line of navigation of the river, which Spain has since, in consequence of an act of Parliament, been powerfully confirmed to her by France.

Thus stood our right to navigate the Mississippi then settled. In the course of the late war, in which the United States, Spain, and France were opposed to Great Britain, Spain ceded to France the island of Florida, from which they had obtained it in exchange for a cession of Louisiana, a portion of the United States, and this cession was formally received by France in 1800. At that time France, under the impression of its superiority, and the evident disorganization of the United States, considered the possession of a great part of those waters as a part of its just rights, and determined to assume and maintain it.

It is unnecessary to examine whether the possession of half a dozen posts, scattered over the surface of seven or eight thousand square miles, could be considered as the possession and conquest of that country. If it were, it gave still but an inadequate idea of that war, it was, as is explained above, which could not be perfected but by the relinquishment of the former proprietor, at the close of the possession of the shores, to wit, of the island of New Orleans on one side, and Louisiana on the other, had undergone no change.

Still less can Spain be considered as having conquered the river, as against the United States, with whom she was not at war. When this war commenced, we had a common right of navigation in the part of the river between Florida, the island of New Orleans, and the western bank; and nothing which passed between Spain and Great Britain, either during the war, or at its conclusion, could lessen that right. Accordingly, at the treaty of November 20, 1782, the cession of the United States to the navigation of the river from its source to its mouth, and in January, 1783, completed the right of Spain to the same navigation, as it stood by the cession of all her rights in it. This relinquishment could not include the navigation held by the United States, on one right, because this right existed in themselves only, and was not in Great Britain. It could only transfer that portion of right held by Great Britain to herself, where, in the treaty with the United States, held seven weeks before to wit, a right of using it in common with the United States.

So that as, by the treaty of 1783, the United States had obtained a common right of navigation the whole river, from its source to its mouth, so, by the treaty of 1792, that common right was confirmed to them by the only Power who could pretend claims against Spain, founded on a state of war. Nor has that common right been transferred to Spain, either by conquest or cession.

Two, Independent of the right of the United States to navigate the Mississippi, as above established, they are entitled to the same right by virtue of natural justice, which is founded by the usage of all civilized countries, and strengthened by the morality of sovereignties: the law of nature and nations.

There is no principle of natural justice more strongly marked than that seas are free to all men, and rivers to all their navigators. There is no man, savage or civilized, unbiased by who, does not feel and attest this truth. Accordingly, in all tracts of country in which the same principles of natural justice prevail, this natural right universally acknowledged and protected, by laying the navigable rivers open to all their inhabitants, and by the right of navigation they enter the limits of another society, if the right of the upper inhabitants to descend the stream be in any case obstructed, it is an abandonment of that right, and is a renunciation of it by some act of society. Such an abridgment will necessarily be considered, by impartial observers, with reference to the company with whom it has been made, as lowering the limits of the two countries, the nature and extent of their river, and other attending circumstances. It is easy to see that there are cases in which such an abridgment could be only by an act of force, in a stronger society, against a weaker one, which would be condemned by the judgment of mankind.

Such an act of force is, in some cases, supposed to be modified by the upper inhabitants having bound themselves, for some valuable consideration, to renounce their natural right of navigating the river. It is unnecessary to examine whether the right is good or bad, or for this right be attempted to be done, and what circumstances of necessity can justify such an alienation, so as to bind on themselves and their posterity. The examples of history have no doubt that this will unavoidably depend, in some degree, on the progressive relations of times and countries.

Whenever it be pretended, however, that an alienation, so contrary to natural justice, has been made, it may be at least demonstrated, that no such alienation could be made. If such an act would, of course, have been a solemn one, negotiated by those duly authorized to act in the name of the society represented, therefore, to be easy to produce, if it existed. Until it be produced, it is fair to suppose that the rights of the upper inhabitants, antecedent thereto, and founded in natural justice, exist in all their integrity.

With respect to the United States, they have been so far from alienating this right, that the only acts in which the subject has been mentioned as respecting them, have, as has been shown above, expressly secured and confirmed to them, by treaty, the rights of navigation to which they were entitled by natural law.

So far as the rights of the upper inhabitants depend on a comparison of the numbers above and below the limits, or, in other words, of those certainly to be benefited, and those who may suffer by it, to injury, from the freedom of the navigation, there is no case in which it can be more strongly marked than in the present case. The United States hold six hundred thousand square miles of habitable territory on the Mississippi and its branches, and this territory affords millions of navigable waters, penetrating this territory in all its parts. The inhabitable grounds of Spain, below our boundary, and the bordering Spanish territory, any one can pretend no fear of being incorporated by our use of the river, are not the thousandth part of that extent, and the territory of the United States has no other outlet for its productions, and these productions are not of the bulkiest kind. And, in truth, their passage down the river may go, or be easy to be produced, if the Spanish subjects on the river, but, from their nature, might be made really advantageous to the commercial interests of Spain.

We referred to the law of nature and nations, as explained by those writers on the subject whose authority is admitted by all, not a few, and where it is disputed whether the navigation of the Mississippi was, by right of possession, the exclusive right of Spain, still, innocent passage along it is a natural right in the justice of perpetuating its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise would depend, in a considerable degree, on the conformity of the nation through which they are to pass. But it is still a right as real and as other right, however well defined, and were it to be refused, or be shackled miles and miles, regulations not necessary for the peace or safety of its inhabitants, so as to render its use impracticable, it would then be an injury of which they would be entitled to demand redress.

The upper inhabitants cannot lose this navigation is the counterpart of that of possessing the shores below, and founded in the same natural relations with the soil and water, and the lines of commerce which their navigation must be advanced or withdrawn so as to equalize the conveniences resulting to each party from the exercise of such a right, as is the case with that of the Mississippi. That estimate is to be fairly made, with a mutual disposition to make equal sacrifices, and the numbers on each side are to have their due weight in the estimate. Spain holds, so very small a tract of habitable land on either side below our boundary, that it may, in fact, be considered as a strand of the sea. For though it is eighty leagues from our boundary to the mouth of the river, yet it is only here and there in spots and slips that the river would rise to the height of the sea in times of inundation. There are, then, and ever must be, so few inhab-
serve, to communicate their mutual sentiments, and that it will, in consequence, be indispensable that they be explained clearly.

However, that very principle points out to me the propriety to call your mind, that the demand made in your letter is properly to be intimated "whether this court intends to interfere in case (as it was highly probable) the United States should find themselves obliged to repel by force the hostile aggressions of the Southern Indian nations."

As, on your part, there has not been made in your communications transmitted to me, till this day, a distinction between the Indians residing within the territory of the United States and those living in His Majesty's dominions, I therefore do not see why you should in the least expect it in my answer. As little do I conceive how you could doubt that, in that letter, those Indians alone were treated of who reside within the territory of Spain, with whom His Majesty has concluded a treaty of friendship, and that in no manner can be comprehended those Indians who live within the boundaries of the United States. Therefore Spain does not propose to herself any new object than the maintaining of the legal right in the territories which belong to her, and will not take a decided part in favor of the Indians, except when justice and equity call for the same.

I am as firmly persuaded as you are, that the uncertainty that has prevailed heretofore in those Indian affairs originated from the want of fixing positively the limits between the United States and Spain; and I can assure you, that His Majesty is likewise convinced of the same truth, and being desirous to give to the United States an unequivocal proof of his sincere wishes to draw closer the bonds of friendship and of good understanding between the two countries, will withhold the discussion of the limits to be retarded, but will cause the same to be carried on with the utmost dispatch.

I participate in the professions of your letter of the 7th instant, and repeat the assurances of my zeal to oblige you, remaining under prayers to God to preserve you many years.

THE DUKE OF ALCUDIA.

MESSRS. CARMICHAEL AND SHORT.

Messrs. Carmichael and Short to the Duke de la Alcudia.

MADRID, December 29, 1793.

SIR: The letter which your excellency did us the honor to address to us, in answer to that which we wrote on the 7th, was received by us on the 19th instant.

After the just and equitable principles by which your excellency therein does us the honor to inform us are adopted by the United States, and the Indians, as well within the Spanish as the American limits, and which will be fully reciprocated by the United States, nothing remains to eradicate all possibility of difference on the subject of Indian affairs but the settlement of the limits between the two countries. And it is therefore with singular pleasure that we remark the dispositions of His Majesty towards the United States, announced by your excellency in admitting no delay in the examination of so interesting a point.

That nothing may be left undone on our part to accelerate it, we do ourselves the honor of enclosing herein an extract of what concerned limits, in particular in the memorial which we informed your excellency in our last we transmitted to his Excellency Don Diego de Gardecu. The subject being 1794, correct to the time at which, and which were the inspection of your excellency, detached from the other parts of the negotiation, we hope will require little time to be fully examined and decided on its merits.

In the mean time, because nothing is wanted to establish the several points respecting the limits which we had the honor of mentioning in our last; and we therefore allow ourselves to hope that it is reserved for the administration of your excellency to do that justice to the United States which it is evident there were never any proper grounds for withholding from them; and thus remove an obstacle to those relations between our two countries in which their mutual interests and wishes concur.

With sentiments, &c.

His Excellency the Duke of the Alcudia, &c.

WM. CARMICHAEL, W. SHORT.

Extract of a letter from Messrs. Carmichael and Short to the Secretary of State.

MADRID, January 7, 1794.

Our very prolix letters of April 18th, May 5th, and June 6th, will have made you fully acquainted with what had taken place at their respective dates. You will have seen, from them, that, from the first conference, we were fully informed in what we had suspected from the time of our commission arriving at Madrid, namely, that this Council would not acknowledge our rights either as to limits or the navigation of the Mississippi.

Under the still circumstances of European politics, our situation became from that moment embarrassing. Two lines of conduct presented themselves to our view; the first, to introuch ourselves behind the instructions we had received from you, and pursue the negotiation; the second, to temporize, in order to admit of (what we then counted on as morally certain) the receiving further advices from you after you had become acquainted with the changes which had taken place in the political relations of this country posterior to your original instructions being given.

It would be impossible to comprehend, within the space of a letter, and perhaps imprudent, in the present situation of even the surest conveyances, to commit to one all the circumstances of the moment which came to our knowledge, all the various conversations which have passed between us and the British General, and which agreed with us in determining the line to pursue. One of the principal, however, and in which the event has shown that we were mistaken, was the certainty which we felt that we should receive further instructions from you immediately on your being informed that Spain and England had got into the same scale, and were joined to the general league against France. This situation of affairs was so different from that which existed at the time of your instructions being formed, or even at the time of your last letter to us being written, that we could not doubt you would do us the honor to write to us, if it were only to confirm the original instructions, which could not but be considered as having occasion of it after so great a change.

As we were then situated, it appeared to us that the pursuing the first line could do no possible good, and might do much harm, whilst the second, if it did no good, at least avoided all harm, except that of delay, which we then supposed would be short. We therefore determined to adopt it, and gave time for receiving further instructions from you; and in the mean while to avoid whatever might tend to excite any kind of alarm in this court in respect to the United States, at the time they were forming their arrangements with England against a common enemy, and during which the greater their apprehensions of us the more they would be likely to enter into arrangements which both Spain and the United States had cause to regret of when too late.

This leading principle has directed us in all the steps we have taken; and it has induced us to hold a less expressive language than you may have wished and expected—i.e. to be less bold and decisive in the manner in which we have conducted our negotiations. Yet we hope you will find, from the crate of letters which we have transmitted to you, that we have not slighted the important and critical times at so great a distance from their Government, at so great intervals without hearing from them, and under so perfect an ignorance of their intentions and real situation with respect to the leading and dominating power of Europe.

After remaining some time in the manner above mentioned, and being fully convinced that the business of our joint commission could not be accomplished under existing circumstances, we took the liberty, in our letter of June 6th, of indicating to you our sentiments with respect to it. The measure which then appeared to us most for the honor
and interest of the United States was to put an end to the joint and express commission in such a manner as to avoid alarmhere, and at the same time to leave the deck consequently open for the negotiation at the moment when the opportunity might be the most favorable as well as the most available, and we had determined to move more fully into it at present if we did not flatter ourselves that our precedent letter will have rendered it useless, at least as far as our opinion may be considered worthy of attention.

For which purpose we propose to induce us to change the line we had adopted. Still, in proportion as the time elapsed without our hearing from you, the greater the presumption became that we had been mistaken in counting on it as above mentioned. From the delay and miscarriage which sometimes take place in letter conveyance across the Atlantic, it was possible, however, you might have written without having received the same in time, and we therefore determined, to forward the discussion of our business, not as the measure which appeared to us the best, but as not thinking ourselves authorized, after so long a silence from you, to delay longer. Of this, we did ourselves the honor to inform you in our letter of August 15th, on setting out to fetch the despatch from St. Ilenfonso.

On our arrival there, we proposed to M. de Gardoqui to commence the business by each party stating their respective claims, and communicating them to each other conformably to usage in similar cases, and particularly to what was practised by the French and English commissioners, in their conferences for settling limits in America. This was done, and it appeared clearly that both parties had a right to claim, from the account, effects of the treaty, that subject with him. Under ordinary circumstances we should have been justified in terminating our joint commission; but, in the critical situation of European affairs, we continued to think it our duty not to do it without your specific instructions. And from a part of your letter of July 22d, this manner of our viewing that point, seems conformable to your intentions.

As we had determined, however, to bring on the discussion, we did not think we ought to be prevented from it merely by M. de Gardoqui's refusing to adopt the proper form. Accordingly, we prepared a memorial, stating the rights of the United States to limits and the navigation of the Mississippi, which we purposed presenting to him as the basis of discussion.

During this time accounts were received from England, and confirmed by different ways, that the United States and that country were engaged in a situation which was probably on better terms. An intelligence of November 3, 1792, was a circular enclosing the President's proclamation. We were, therefore, delivered up absolutely, to vague conjecture under these circumstances, but with presumption of the account from England being true. The English ambassador came to St. Ilenfonso, and from several circumstances evident at the moment of his arrival, it was possible, that England, having determined to be the aggressor in a war with the United States, might be endeavoring to prevail on Spain to come into it. It was possible Spain might be then hesitating on the subject. It appeared to us advisable, therefore, to suspend again the measure we were about to take until the uncertainty should be removed.

Things remained in this situation, until a person came from Cadiz with letters for us from Government. The court went to the Escurial about the same time; and our letter of September the 29th will have informed you of our meeting there, and receiving the despatches by Mr. Blake.

The object was to regret that our view of the subject in the commencement of the business had induced us to have adopted the line we did, in order to give time for further instructions; and the more so as we had foreseen that our situation here, under that commission, for various reasons, with which it is useless at present to trouble you, would be far from favorable.

As matters stood, however, it was evidently impossible that, by the middle of October, the time at which Mr. Blake was to set out, anything could be done in the general negotiation so as to give you more certain information with respect to it than what had been contained in our first letters, and which we hoped must, some of them at least, have reached you. The communication to you had not disposed of the subject; it was relative to Blake's departure. We determined, therefore, not to clog the communications on Indian affairs with the general negotiation, as it would certainly delay our answer from this court, but to endeavor to ascertain their ideas with respect to those affairs in the shortest time possible; to despatch Mr. Blake therewith; and immediately afterwards to report to our government on the subject, without further procrastination, to our own views, after being informed of yours; although we still remained convinced our rights would be refused.

It should be observed, also, that the belief of the United States being at the eve of war with Great Britain still remained in all its force, accounts the arrival of Mr. Blake. Accounts continued to arrive here from England and Holland, to that effect. As they were grounded on the supposed situation of affairs in America, later than Mr. Blake's departure, and as by him we received from you no indication of what would probably be the sentiments of America in certain cases, and particularly with respect to the conduct of the belligerent Powers opposed to the principles of the President's proclamation, nor any information of what had passed between the American and British Governments with respect to their privileges carried into our ports, we were as much at conjecture after, as before the receipt of the despatches by Mr. Blake. The assiduity of the English ambassador continued; his departure from here had nothing to disparage the importance of his mission; and every circumstance was calculated to enhance the importance of it.

Under these circumstances we brought forward a proper subject of the communications of the Spanish commissioners in a verbal conference with M. de Gardoqui; and he promised us immediately that all doubts as to the interference of Spain should be removed, and without delay. As from the conference he understood clearly what kind of an answer we expected, it was best to avoid, as much as possible, in our first letter to him, grounded thereon, the appearance of dictating it. Our letter of October 22 will have informed you that, before M. de Gardoqui gave us the promised answer, and, as he informed us, at the very moment he was about to do it, the Duke de la Aulcula determined to take that subject into his hands.

The consequence of this letter has been that, between that minister and us, of which we do ourselves the honor to forward herein copies enclosed, as well as those to M. de Gardoqui, according to the list annexed. They will show you that his first answer was absolutely different from what M. de Gardoqui had promised us; and erasive of the character of a communication that could in any manner engage him in an undertaking to us to lay the basis of the general discussion with M. de Gardoqui, by presenting him a memorial on limits and navigation, (in which we adhered to the substance, and as far as we could to the expressions, of your report on those subjects) and also to enter on the subject of limits with the Duke de la Aulcula, as he had placed the settlement of that point above all others. He did not deed to do nothing at all in the mean time, and, in the mean time, shall do whatever may depend on us, to hasten it, so that there may be the least possible added to the delay of his departure, which has been now so much extended beyond our first intention announced to you in our letter of October 22.
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We do not think ourselves authorized to give you ground to expect that, in this answer, he will come forward with candor, and acknowledge the rights of the United States. We have, from the beginning, had sufficient proofs that this court would not be induced thereto by the mere force of argument; and if they should do it before force of another kind be used, it will be only because they may begin to consider their situation, in other respects, such as the friendliness of the court that prevails.

The present moment is pregnant with great events, and may produce great changes in the situation of this and the other countries of Europe with whom the United States are most concerned. We still think, therefore, they should wait for events which it is not in their power to control. The distrust of this country towards England has certainly increased since the peace was concluded; and it may be urged, that their joint efforts, seem equally calculated to augment it. Their getting possession of Toulon, and their being forced to fly from it, have alike augmented the dissatisfaction of the two Powers with each other, and consequently the desire of arms. We think it will be best, and that the public interest of the East and West Indies, will, unavoidably, also become food for jealousy and discord. It should be observed, however, that the danger of this country from France increases also with time; and that this circumstance may prevent their showing too strong signs of displeasure with respect to Great Britain, and may even force them to conceal it altogether, so long as our joint forces and their own, are not so far victorious, as to oblige them to employ the troops and the fleet in the hands of the French, that if, as is probable, they should judge proper to employ it in Russillon, it will be difficult to calculate the effect it might have.

The present situation, then, of this country, with respect to England and France, is distress of one, and danger from the other. At a time when it would seem they had no naval enemy in the Mediterranean, and that their efforts would be wanted to defend their frontier against land force, they have given orders for sending several ships of the line of Cadiz to join their Mediterranean fleet, and for augmenting the crews of those already under the command of Langara. Their army is much diminished by losses and diseases. The Government is, however, near the end of such resources as they have been able to command, without new taxes or loans. It is uncertain how far the first could be hazarded, or the second obtained; and it is therefore thought that their intention is to apply to the resource of sales routes. These as yet keep above par, but that is hardly to be expected after a new emission. The plan seems to be to form the Cedula for about sixteen millions of dollars, and to begin with issuing only a part, about five or six millions.

If, under these circumstances, this Government supposed the United States would be able to keep out of the present war, and saw them seriously commencing a hasty, they might consider it proper to begin now to remove any cause of alarm on our part. They may probably, however, think we shall become a party in the war, and perhaps entertain doubts of the real desire of the citizens of the United States to keep out of it. Their consuls have free scope in representing these things as they please. Our last letters were by Mr. Blake; theirs come down to November 8, 1794. The despatches from this Government are of November 4, 1794. We have no means of knowing whether they declare for the one or the other, and pressed in a manner which it will be difficult to evade. Should this Government adopt that opinion, and at the same time believe in the continuance of their union with Great Britain, they will of course consider themselves as being opposed to war with the United States; and, therefore, would see no reason why they should not return the present opportunity to do us personal good.

We have thought it our duty, by the present conveyance, to say thus much of the prospect as to the general negotiation. As to Indian affairs in particular, we think, under the present circumstances, no interference is to be apprehended from this court; and that the United States may, without regard thereto, take such measures on those which they may think necessary, and are capable of producing effects in the United States, although the letter of the Duke is not absolutely conclusive during the uncertainty of the limits. This Government might, and probably would, aid them in a clandestine way, whether we be the aggressors or not. But we cannot suppose they would risk their peace with the United States by taking an active part, if there were no other cause of war between them.

We think it our duty to add, by this conveyance, the substance of a conversation which we had some time ago with Mr. de Gardouqui, whilst speaking with him on Indian affairs. To the general assurances which he gave us of the desire of the King his master to cultivate the friendship of the United States, (and to which the persisting to which the prospect of forming a friendship between the two, might give great weight) he added that it was the wish of the King that His Majesty, as a proof of these dispositions, desired to form with them an alliance offensive and defensive, or at least defensive. He expressed his regret that we had not powers adequate thereto, and desired we would communicate to the President this desire of His Majesty. He would not agree, however, to communicate it to us in writing, saying that there were more than a hundred letters of honor which the Duke could say to each other, but which it would be imprudent to express by writing, and particularly to convey across the sea in such times as these. We must add, however, that experience has convinced us that Mr. de Gardouqui sometimes forgets his verbal assurances, or interprets them so differently from what we understood them, as to make them indifferent things.

We observed to him, without being acquainted with the sentiments of the President as to transatlantic alliances, we could venture to say that he set the highest price on the friendship of His Catholic Majesty, and that we conceived he had in the case in question given a convincing proof of it; that it appeared to us that the surest and the best ground on which the United States could fix their hopes on the present war, was to derive it to it; that they had not yet a sufficient proof of the certain of making the best of this would be to begin by restoring what justly belonged to them. He said the settlement of different disputed rights, and the establishing an alliance, ought to go hand in hand, and would aid each other. We think it useless at this moment to add anything further on that subject, leaving you to make what use you may judge proper of it without an alteration.

The letter which you sent to Colonel Humphreys for us, by Mr. Cutting, is still at Lisbon; no proper conveyance having presented itself. As your letters by Mr. Blake alluded to none later than November 9, 1794, and as Mr. Cutting left America before Mr. Blake, we suppose the letter he had must be a copy of the last you mentioned. It will therefore remain at Lisbon, unless some confidential conveyance should be found, according to your instructions to Colonel Humphreys thereupon.

Extract of a letter from Mr. Short to the Secretary of State.

[1794]

The last accounts left Lord Hood at the Hieres Islands. Admiral Langara is arrived with his fleet at Carthagena. There is no doubt that much ill blood is fermenting between them; and from the nature of things, it could not be otherwise. The public of Madrid are in an ill humor, also, on the subject. They say that Spain is duped by England, and that the last designs of the United States are for the ruin of her as if it were the wish of Mr. Blake to subvert him for the first time that His Majesty, as a proof of these dispositions, desired to form with them an alliance offensive and defensive, or at least defensive. He expressed his regret that we had not powers adequate thereto, and desired we would communicate to the President this desire of His Majesty. He would not agree, however, to communicate it to us in writing, saying that there were more than a hundred letters of honor which the Duke could say to each other, but which it would be imprudent to express by writing, and particularly to convey across the sea in such times as these. We must add, however, that experience has convinced us that Mr. de Gardouqui sometimes forgets his verbal assurances, or interprets them so differently from what we understood them, as to make them indifferent things.

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[1794]
of the council. The English ambassador is still here, but it is believed will set out in a few days. He is evidently much less in favor than formerly; but in the present situation of things, he will probably do more by other means than by favor. The nature of his business, however, since his being stopped here in the manner I mentioned, or the prospect of his being stopped, has probably given him a certain security from the communications to the British Parliament, sooner than by any other way equally to be relied on. I will add here nothing to what is contained in our letter of the 7th, as to the internal situation of this country. You will suppose it to be a belligerent power, as the ensuing circumstances will prove. It is much more to be feared that they should have been able to do without them so long, and keep their present station, than if they have done, seeing the circumstances in which they were before the war begun. The amount of voluntary offers, like every thing else here, is kept a mystery, viz. the amount actually received. I have heard it estimated, including that of France, of which the true amount of dollars, I have no means of knowing, but that it is not known with any degree of certainty worthy of attention. From their American possessions they have been immense on paper, and realized in at great a proportion probably as those made here, but the amount as uncertain.

The state of probation of this country which I formerly announced to you, will see is not [at] an end, and their eventual state of peace may depend on the most probable result of the war. Subject to the same redres in such a manner as they should begin a rapid depreciation, and the French troops arriving from Toulon and breaking into Catalonia, their position would be truly alarming. These cases are not certain, but still they are supposable. It is not surprising that the Government have hitherto found, and notwithstanding Cautions England and Spain continued longer the plan, at least ostensibly, of restoring the dethroned family. Spain was probably in earnest, and it would seem had been persuaded that England was also. What took place at Toulon, during the present month, at the long, has never hitherto have complications on this side been known in a manner now, it is hard to say how they could extricate themselves from their present situation. Whatever they may think in other respects, they must probably see now that contending by arms for Louis XVII. is not rendering him any service more than the first efforts of the league did to his father, whose fate impartial observers will attribute to himself and France. It seems to serve his people.

It remains to be seen now whether England and Spain will persist in this quarter in that line. As far as we can judge here, England seems to have abandoned it in other quarters, viz: the East and West Indies, and to have followed Great Britain in the war. It may be fairly concluded, after the issue of the present campaign, that all the powers of the league actually at war would be satisfied to set down at present, and leave to France the right of modelling their own Government as they pleased. If there is any exception it is England, who, from hopes of extending their East and West India possessions, would probably be the last that should consent to any thing that hope, I am not certain. What I will say here to the ministry; what the people and parliament think of it will be seen with much more certainty on their meeting. I do not comprehend among those actually at war, the Emperor of Russia. She has contrived to be an honorary member only of the league; and of course would have no objection to the continuance of a war which costs her nothing, and weakens the other powers, and this never had any thing upon that subject, but to assure us that it should never be done; and that the Spanish islands could never have need of our provisions; adding, that what was done during
FOREIGN RELATIONS.

[1794]

the last war, in that case, proceeded from motives in the governors, which were well known to him, and that he would take care to prevent it in future.

I mentioned some time ago what had been mentioned to me as to Logie's interference to procure the Portugal trade for those who were connected with that trade, and that I should inform Colonel Humphreys thereof, although I did not think it to be relied on, merely that he might make the use he pleased of it. I did not mention to you then who the person was, because my letter went by post. Since Colonel Humphreys's arrival here we have brought on the same conversation with the person, (Lord St. Helens) and he has informed us, as appeared to me, that he had not formed any particular opinion with that view, and that it had been to do away any opinion that it was the cabinet of England which had negotiated the truce, in order to let the Algerines on us, and thus abridge the advantages of our navigation during the present war.

The Secretary of Portugal here says, openly, that his court is determined not to pay any thing whatever for a peace with Algiers; and that they will treat only on terms of reciprocity. If so, we may count on their not obtaining it; but at the same time it would be certainly a misfortune for the United States to be obliged to count longer on so precarious a ground for the protection of their flag.

Extract of a letter from Mr. Short to the Secretary of State.

MADRID, January 17, 1794.

Sir:

I have last the honor of writing to you by Colonel Humphreys, who was the bearer also of a joint letter from Mr. Carmichael and myself, and who left this place a few days ago for Lisbon. Since that time we have heard nothing further from the Duke de la Alcudia, and are waiting still for his answer to our last of the 22d ultimo, in order to despatch Mr. Blackwell with it. During the unsettled state of the court at Madrid, preparatory to its departure for Lisbon, it was thought, from the usage established, improper to press for that answer. The treaty with Algiers is now settled in the Sitio since the day before yesterday, and we therefore shall think ourselves authorized to remind him of it, if we do not very soon hear from him. The nature of this situation is such to continue the disease widely in the army; although it does not appear to be generally fatal, it discharges them from service. The number of Ricardo's army in that situation at present is supposed to pass fifteen thousand.

It is said that, among the extraordinary resources to be applied to for present contingencies here, is that of the King in his own hands, to hand over all sums in deposit, which are considerable his country, and to pay an annual interest of three per cent. You have been already informed of an operation, somewhat similar to this, made with respect to the funds of different commonwealths previous to the war. Although it is within a few days only that this project has been considered as decided on, yet it is said the ordinance is already dated in October last. I have not seen it myself, however, but it is not unusual here to keep as a profound secret, an ordinance after it is passed, and even to attempt to do it after it is printed. The idea amongst the best informed is, that the Government have determined that forty millions of dollars will be necessary to carry on the war, and that millions are to be raised by sales reales; and that the looking at interest the sums in deposit, is to be one of the means for raising the balance; the ordinary revenue, of course, to be applied to the ordinary expenses.

I have the honor of enclosing a statement of the vessels which arrived at Cadiz during the last year; those from the Spanish possessions in America, with the value of the gold and silver on board, being particularized. The number of vessels which entered Barcelona is also added.

The number of American vessels which came to Cadiz, you will find to be one hundred and sixty-two; and as you will no doubt have been informed of their number for the year preceding, you will be able to ascertain the progress of that valuable branch of navigation which seems at present so much menaced by the Algerine cruisers. Among the vessels marked as English, there was a considerable number from Quebec, loaded with wheat. That branch of English navigation augmented considerably in the last year, and will probably continue augmenting with the population and agriculture of that country. More this object becomes considerable, and attracts the attention of the British Government, the more will they be disposed to render our navigation, in the southern parts of Europe, precarions, by all the means in their power.

One of the effects of the present war to Spain has been to raise the price of all the productions of industry in a considerable degree. A productive labor is not only more productive labor is consumed, either in the army, or in providing for the army, as would necessarily have produced that effect to a considerable degree. Government augmented it by shewing so great a number of the French settled in this country, and who were unquestionably the most industrious of its inhabitants, and the labor of whom was employed to carry on the immediate handiwork, but that which their industry and capitals kept a-going among the Spaniards themselves. This loss of productive labor, and the effect produced thereby, makes less noise than the loss of a battle, or of a camp; but is probably much more prejudicial, and exhausts much more the public resources.

Independent of the cause above-mentioned operating on all articles, the bad season of the last year contributes also to an increase in the price of the essential article of wheat, to a degree which is well worthy the attention of this Government. This will appear from the comparative state, which I have the honor of enclosing, of the prices of that article in the principal markets of Spain for the months of January, 1793, and January, 1794.

The difference which will strike you is the great difference between the highest and lowest price of wheat on the same day, in some of the southern markets, and particularly at Cadiz, being, at that place, from fifty-nine to eighty-seven reals the fana, in January, 1793; and from seventy to one hundred and twenty-eight in January, 1794. This has been explained to me in a manner which shows that it is a subject of much importance for the farmers and exporters of the United States, and should be made known to them, if it is not so already. It depends on the preference given by the inhabitants of Cadiz to the hard red grained wheat. This is either produced in Spain, or imported from Italy or Africa. The soft white grained wheat, which they import from the north, or from America, is considered a species of commodity to which the rich of Cadiz may no use of it for their own particular consumption, but when the other is not to be had, or is at too high a price. This preference seems to be the effect merely of taste; as at Barcelona, on the contrary, the soft white grained wheat is preferred. Consequently, whilst the highest price of wheat is much greater at Cadiz than at Barcelona, the white soft grained commands a price at Barcelona superior to what it does at Cadiz. Proper information on this subject, taken from the different parts of Spain, might induce the American farmers, perhaps, to conform the kind of wheat they cultivate to the taste of the greatest numbers of consumers, or at least would enable the exporters to devise the kind they export to the market where it is preferred. In this case, the result of information from the different ports, would be to annually carry out there, some of the produce of confidence in each of the Spanish ports, with whom the permanent agent of the United States might correspond. A continued course of observation would be necessary, also, in order to avoid error. And if the same measure were to be adopted, with respect to the principal ports of Europe, to which this article of the produce of the United States is exported, very useful information probably would result. This, however, cannot be done but with time, and by a proper correspondence with persons of confidence in those ports.
**Statement of the Ships and Vessels which entered the Bay of Cadiz in the year 1793, with the value of Gold and Silver, coined and uncoined, brought in them from the ports of America, for the King, and for individuals.**

<table>
<thead>
<tr>
<th>Spanish</th>
<th>FOR THE KING</th>
<th>FOR INDIVIDUALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Vera Cruz</td>
<td>5,888,500 &amp; 6 &amp; 1 qlo.</td>
<td>6,053,054</td>
</tr>
<tr>
<td>Havana</td>
<td>58</td>
<td>5405</td>
</tr>
<tr>
<td>Campeche</td>
<td>1</td>
<td>11,295</td>
</tr>
<tr>
<td>Cuba</td>
<td>2</td>
<td>12,354</td>
</tr>
<tr>
<td>Trinidad</td>
<td>1</td>
<td>5,787</td>
</tr>
<tr>
<td>St. Domingo</td>
<td>1</td>
<td>3,812</td>
</tr>
<tr>
<td>New Orleans</td>
<td>1</td>
<td>5,465</td>
</tr>
<tr>
<td>Carthagena</td>
<td>8</td>
<td>1,206,917</td>
</tr>
<tr>
<td>Guaya</td>
<td>29</td>
<td>3,561,194</td>
</tr>
<tr>
<td>Cumana</td>
<td>3</td>
<td>6,794,909</td>
</tr>
<tr>
<td>Guanagua</td>
<td>1</td>
<td>698,587</td>
</tr>
<tr>
<td>Maracaybo</td>
<td>1</td>
<td>1,957,902</td>
</tr>
<tr>
<td>Montevideo</td>
<td>34</td>
<td>1,369,902</td>
</tr>
<tr>
<td>Lima</td>
<td>6</td>
<td>690,857</td>
</tr>
<tr>
<td>Total,*</td>
<td>179</td>
<td>6,794,909</td>
</tr>
</tbody>
</table>

During the same year one hundred and nine vessels sailed from Cadiz for the several ports of Spanish America. The owners are not included in the above statement. They are said to have much increased of late years in all the Spanish ports. This increase is attributed, for the most part, to the peace with the Algerines. In the port of Barcelona, during the year 1793, the merchant vessels which entered, amounted to 1,614: of which—Spanish, 1,365; French, 16; Genoese, 46; Neapolitan, 4; Venetian, 8; Tunisian, 5; Ragusan, 2; Tunisian, 1; American, 1; English, 96; Dutch, 12; Swedish, 4; Danish, 132.

* N. B. There were, besides, imported in the same vessels, ninety-six portions of silver and four of gold, and also pearls for the King; and several articles of gold, silver, and precious stones, for individuals; the value of which was not expressed.

**Prices of Wheat, by the fanega, in several markets of Spain, in the month of January of the year 1793; and the same month of the present year, 1794.**

N. B. Five fanegas are equal to about eight bushels English measure.

<table>
<thead>
<tr>
<th>Month</th>
<th>1793</th>
<th>1794</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avila</td>
<td>33 to 35 reals the fanega.</td>
<td>49 to 50 reals the fanega.</td>
</tr>
<tr>
<td>Zaragoza</td>
<td>47 to 00</td>
<td>67 to 00</td>
</tr>
<tr>
<td>Burgos</td>
<td>28 to 30</td>
<td>57 to 58</td>
</tr>
<tr>
<td>Barcelona</td>
<td>60 to 00</td>
<td>76 to 00</td>
</tr>
<tr>
<td>Cuenca</td>
<td>56 to 00</td>
<td>90 to 00</td>
</tr>
<tr>
<td>Segovia</td>
<td>30 to 33</td>
<td>92 to 00</td>
</tr>
<tr>
<td>Valladolid</td>
<td>35 to 38</td>
<td>39 to 00</td>
</tr>
<tr>
<td>Salamanca</td>
<td>23 to 27</td>
<td>45 to 59</td>
</tr>
<tr>
<td>Leon</td>
<td>35 to 30</td>
<td>48 to 59</td>
</tr>
<tr>
<td>Oviedo</td>
<td>35 to 64</td>
<td>58 to 00</td>
</tr>
<tr>
<td>Madrid</td>
<td>38 to 48</td>
<td>52 to 60</td>
</tr>
<tr>
<td>Toledo</td>
<td>50 to 40</td>
<td>60 to 00</td>
</tr>
<tr>
<td>Badajoz</td>
<td>37 to 00</td>
<td>69 to 00</td>
</tr>
<tr>
<td>Jaen</td>
<td>48 to 00</td>
<td>71 to 00</td>
</tr>
<tr>
<td>Granada</td>
<td>10 to 50</td>
<td>81 to 00</td>
</tr>
<tr>
<td>Malaga</td>
<td>56 to 59</td>
<td>75 to 00</td>
</tr>
<tr>
<td>Cordova</td>
<td>53 to 58</td>
<td>76 to 00</td>
</tr>
<tr>
<td>Moraña</td>
<td>49 to 67</td>
<td>78 to 00</td>
</tr>
<tr>
<td>Seville</td>
<td>59 to 67</td>
<td>79 to 00</td>
</tr>
<tr>
<td>Cadiz</td>
<td>63 to 00</td>
<td>79 to 00</td>
</tr>
<tr>
<td>Valencia</td>
<td>60 to 00</td>
<td>79 to 00</td>
</tr>
</tbody>
</table>

**Explication of the letter of Mr. Short to the Secretary of State.**

We received yesterday a letter from the Duke of Alcudia, saying, that since his last of the 26th November and 18th December, the letters so long expected from Louisian and the Floridas had arrived; and that, by the intelligence given in them by the governors of those provinces, His Majesty was satisfied that the Indians bordering on Spain and the United States had been really the aggressors against the peaceable inhabitants of Georgia, on whom they had exercised their cruelty and barbarity; and that, in consequence thereof, His Majesty had given orders to

**Madrid, January 21, 1794.**
Note presented to Lord Grenville, November 9, 1793.

The serious and strong objections of the French government to the king of Great Britain, in the communication of the crown, have induced the king of Great Britain, acting in concert with the government of Commodore Szevy, and of the country of Nice, by the French, in no respect changed her dispositions. She knew how to make her neutrality and territory respected, although the latter be open and defenceless, on the side of Nice. Nor had the appearance of a formidable squadron before the ports of the republic, and the fear of compelling the government of women of a great number of her citizens, whose prosperous commerce, and especially the coasting trade, is concerned. She had, by divers negotiations, and thus saved Piedmont and Lombardy, which then presented no obstacle to the invasion of the French. This firm, loyal, and generous conduct, by the serious government of Genoa, merited the most formal approbation of the court of Versailles, and the most respectful acknowledgment of the Italian state of Turin. These two courts then gave the most positive assurances that they would always respect her neutrality.

If the serious republic has religiously observed her neutrality, at a time when she had everything to fear from France; if she then avoided giving the least reason for discontent to the allied Powers, it cannot be presumed that she would admit the demand of her respect in the same case as it was ever against those who have been so hardy since the peace of the French is no longer to be feared. Besides, the transactions alleged to justify the violation of the territory of the republic are destitute of foundation, or cannot be imputed to her conduct. A rapid discussion of these transactions may be here given:

1st. The most serious of these transactions is the seizure of a French tartan* who, it is said, did not acknowledge the pretended National Convention of France, and was under the immediate protection of his Britannic Majesty. His Britannic Majesty, by Rear Admiral Gell, sufficed to prove that they have been led into an error by wantonly arising reports: 1st. The most serious of these transactions is the seizure of a French tartan*, who, it is said, did not acknowledge the National Convention of France, and was under the immediate protection of his Britannic Majesty, by Rear Admiral Gell, sufficed to prove that they have been led into an error by wantonly arising reports.

2d. The serious government is reproached for having permitted the British flag to be insulted, by seizing two French vessels preparatory to sail. This is charge of foundation. The serious government, jealous of causing her edict of neutrality to be observed, exacted from the French captains their word of honor, that, during the space of twenty-four hours, they would not discharge any of the vessels which sailed out, or which should be in sight of the port. The English squadron, on entering the harbor, received the word of honor from the French, and the captain of one of the vessels was sent to the commander in chief, which obliged her to return. Having gone out again, three days after, she perceived the same boats, which had hidden behind a cape in the vicinity, where they watched for the favorable moment of attack. The serious government, conformably to its edict of neutrality, had required of the captains of the gunboats, previous to their departure, their word of honor without restriction, and that word had always been observed with the greatest exactness. These vessels anchored at Portofino, where health guards were given them. The government could not deprive them of the asylum of the port, because Portofino is a short distance from Genoa, and behind a cape.

3d. To the reiterated orders in which the crew of the Majesty have been guilty, it is said, to the individuals belonging to the marine of His Britannic Majesty, as well as to several others, these outrage have never been proved, nor have they been the subject of any claim. In the assault which took place on the 10th of August, between the British subjects and some Frenchmen, the former were defended and protected by the sailors of the republic; but the latter pretended to the contrary. The accounts of the court of Genoa being false, the government of the serious government procured to them all the facility—all the succor that could be expected from a friendly nation. A considerable number of them have been received in the public hospitals, and have been treated with that attention which has merited the expression of their gratitude to the people of Genoa.

4th. As to the reiterated orders in which the crew of the Majesty have been guilty, it is said, to the individuals belonging to the marine of His Britannic Majesty, as well as to several others, these outrage have never been proved, nor have they been the subject of any claim. In the accident which took place on the 10th of August, between the British subjects and some Frenchmen, the former were defended and protected by the sailors of the republic; but the latter pretended to the contrary. The accounts of the court of Genoa being false, the government of the serious government procured to them all the facility—all the succor that could be expected from a friendly nation. A considerable number of them have been received in the public hospitals, and have been treated with that attention which has merited the expression of their gratitude to the people of Genoa.

5th. The serious government, convinced that justice presides in the councils of His Britannic Majesty, hopes to obtain a reparation for the acts of violence which have so grievously affected her. The minister plenipotentiary, Drake, has acknowledged the legality of these claims, and proposed to declare that neither the act of his Britannic Majesty, nor the act of Admiral Gell, had had any influence in compelling the action of the vessels which offended the republic, but that they had only punished the guilty. Contesting itself with such a declaration would be to acknowledge the complaints alleged against the republic, the nullity of which have been proved.

The serious government solicits a reparation proportioned to the object of its complaints; which it claims with so much more confidence, as it has been jealous of meriting the good will of His Britannic Majesty.

* A small vessel used in the Mediterranean.
FRANCE.

3d Congress.

No. 90.

GREAT BRITAIN.

COMMUNICATED TO THE SENATE, ON THE 16TH DAY OF APRIL, 1794.

Message nominating John Jay as Envoy to Great Britain.

United States, April 16, 1794.

Gentlemen of the Senate:

The communications which I have made to you, during your present session, from the despatches of our minister in London, contain a serious aspect of our affairs with Great Britain. But, as peace ought to be pursued with unremitting zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, is contemplated, I have thought proper to nominate, and do hereby nominate, John Jay as envoy extraordinary of the United States to His Britannic Majesty.

My confidence in our minister plenipotentiary in London continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion will announce, to the world a solicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an envoy will carry with him a full knowledge of the existing temper and sensibility of our country, and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity.

G. WASHINGTON.

3d Congress.

No. 91.

FRANCE.

REPORTED TO THE HOUSE OF REPRESENTATIVES, APRIL 17, 1794.

Mr. WILLIAM SMITH, from the committee to whom was referred the message from the President of the United States, of the 18th of March last, relative to an advance of money required by the minister of the French republic, made the following report:

That, on inquiry into the subject referred to them, they find that the President is already fully authorized, without the intervention of Congress, to make any arrangements which may accommodate the minister of the French republic, by way of anticipation on the accruing instalments, as far as the existing revenues and resources will permit, and that, in the opinion of the committee, the present circumstances and exigencies of the United States will not permit a recurrence to any further revenues or resources for the purposes mentioned in the said message.

3d Congress.

No. 92.

FRANCE.

COMMUNICATED TO THE SENATE, APRIL 23, 1794.

Letter from the Secretary of State transmitting a letter to Congress from the Committee of Public Safety of France.

Philadelphia, April 22, 1794.

Sir:

I do myself the honor of transmitting to the Senate the translation of a French letter, the original of which was addressed to Congress, and was delivered to me yesterday by the Speaker of the House of Representatives.

I have the honor, sir, to be, with the highest respect, your most obedient servant,

EDM. RANDOLPH.

The Vice President of the United States

and President of the Senate.

LIBERTY—EQUALITY—OR DEATH.

The representatives of the French people, members of the Committee of Public Safety, to the citizens, members of the Congress of the United States of America.

After having laid the foundation of our liberty, it became incumbent on us to secure it. A national government is born, and with it victory. Emanating from the will of the people, it has their energy. For the salvation of the State it has been resorted to, and the State is saved. At its voice fifteen armies are in motion, and triumph; at its signal, interior order is restored—fruitful industry is expanded—the conspirators fall.

We impart the news of the success of our armies to a people who, having obtained liberty in a similar manner with ourselves, cannot learn, but with enthusiasm, of the victories of republicans, and the downfall of tyrants.

Policy already appreciates the advantage of the retaking of Toullou. Already have the neutral Powers proclaimed themselves; and Genoa, indignant at the atrocity of our enemies, who have assaulted her territory by the vilest and blackest of crimes—Genoa has resumed all her energy, and driven the English and Spaniards from her ports.
In the North, our triumphs, not less brilliant, have given the combined Powers some severe shocks. They had dared to menace Dunkirk, Maubeuge, and Landau. Every where they have been beaten; every where they have been put to flight; and even towards the Rhine, our army, in pursuit of them, had advanced to the very gates of Mayence. Such is the long catalogue of success which unfolds itself, at the same moment, at every point to which the French republic sends her invincible phalanxes.

So many victories will convey nothing astonishing to you—you, magnanimous republicans, who will easily conceive the prodigies which liberty is capable of performing, after having, in this vast career, left to the defenders of the people memorable examples. You had already participated in our triumphs, as well in thought as political union. Our successes reverberate on you, and the fall of our eternal and implacable enemies will be as satisfactory to America, as to outraged France. Our cause is reciprocal; it is that of every people who honor humanity.

It is under these glorious auspices that the representatives of the French people are pressed by the desire of drawing closer, more than ever, the bonds of friendship, which unite two great, generous, and free nations. Thus liberty will have two points of fixture on the world; and being an immovable colossus, she will rest one foot on each hemisphere.

At her voice let agriculture and commerce, those two sources of national prosperity, pouring out under our hands their mutual exchanges, multiply, aggrandize, and cement our friendly relations and public felicity.

Let us discard every thing which may disturb that necessary harmony pointed out by the nature of things, still more than by a reciprocal interest; that harmony which has not a cautious, selfish, mercantile policy for its principle, but the esteem, the fraternity, all the social and beneficent virtues, which flow from liberty.

Honor, Prosperity, Safety, and Fraternity.

The Representatives of the French people, members of the Committee of Public Safety,


Paris, 29th Pluviose, 2d year of the French republic, one and indivisible, (10th February, 1794.)

3d Congress.] No. 93. [1st Session] SPAIN,

REPORTED TO THE HOUSE OF REPRESENTATIVES, APRIL 23, 1794.

Mr. Lee, from the committee to whom were referred several remonstrances from the citizens of the United States west of the Alleghany mountains, respecting the navigation of the river Mississippi, made the following report:

That measures having been taken, and being still pursued by the Executive, by negotiations with the court of Spain, to obtain, by peaceful means, the free navigation of the said river, to which the United States are entitled by treaty, and having full confidence that the desirable object will be speedily and vigilantly pursued by the proper constitutional authority till it shall be accomplished; and viewing the subject as falling peculiarly within the limits of the Executive Department, they are of opinion that the said remonstrance ought to be sent to the President of the United States for his information, having no doubt that all due attention will, as heretofore, be paid by him to the subject, and every practicable measure pursued to obtain redress of the grievance complained of.

That, as it appears from the communications of the Executive, that the right of the United States to the free navigation of the Mississippi, is now the subject of negotiation with the court of Spain, and as it is the interest of the United States, and every part thereof, to come to an amicable adjustment of their right in that mode, rather than resort to any means constitutionally belonging to the Legislature, no further proceeding should be had on the said remonstrance, during the present session of Congress.

3d Congress.] No. 94. [1st Session] GREAT BRITAIN,

COMMUNICATED TO CONGRESS, MAY 12, 1794.

Gentlemen of the Senate and of the House of Representatives:

As the letter, which I forwarded to Congress on the 15th day of April last, from the minister plenipotentiary of His Britannic Majesty to the Secretary of State, in answer to a memorial of our minister in London, related to a very interesting subject, I thought it proper not to delay its communication. But since that time the memorial itself has been received, in a letter from our minister, and a reply has been made to that answer by the Secretary of State. Copies of them are therefore now transmitted.

G. WASHINGTON.

LONDON, January 28, 1794.

Dear Sir:

LORD Grenville having told me that he would send the answer to my memorial on the grain trade to Mr. Hammond, to be by him stated to you, I enclose a copy of that representation, that you may have them both before you at the same time.

I remain, &c.

THOMAS PINCKNEY.

The Secretary of State.
The undersigned, minister plenipotentiary of the United States of America, has the honor of representing to Lord Grenville, Secretary of State, that he has received information from additional instructions to His Majesty's ships of war and privateers, dated the 8th of June, 1793, and that it is with great regret that the government of the United States authorize measures which must materially injure the United States and abridge the rights to which, as a neutral nation, they are entitled. He has, therefore, directed the undersigned to expose to His Majesty's Government the demonstration of those measures, to demand an immediate and effectual retraction of the same, and to ask the representations, if necessary, in order to prevent their continuance. The article of the additional instructions, which is deemed particularly injurious to the United States, is that which permits all vessels laden wholly, or in part, with corn, flour, or meal, bound to any port in French America, to be seized and impounded by Government, or to be burned, on proof that the same have been furnished by the crown of France, or are of the port of some country in amity with His Majesty. It is conceived that this article is in opposition to the law of nations, which has for its basis reason, and the usage of civilized countries; for reason and usage have established that, where two nations are in amity and at peace, remain their natural right to pursue any of their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry for exchange to all nations, different or neutral, as usual; to go and come freely without injury or molestation; and, in short, that the war among others shall be held as if it did not exist. One restriction on their natural rights has been submitted to by nations at peace, as in the case of Spaniards and others with the United States; but the restrictions mere made in the interest of the other, not doing whatever, to a place blockaded by its enemy. What these implements of war are, has been so often agreed, and is so well understood, as to leave little question about them at this day: there does not perhaps exist a civilized nation in our common hemisphere, which has not made a particular enumeration of them in some of their treaties, under the name of contraband; from whence it clearly appears, that corn, flour, and meal, are not of those articles, and consequently remain articles of free commerce. It is the common interest of mankind, that a culture which, like that of the soil, furnishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended because two nations are involved in war. It is also the interest of humanity, that those articles which are destined for the destruction of mankind should not be classed with those intended for their subsistence. If any nation has a right to shut up to the produce of another all the ports of the earth, except her own and those of her friends, and the trade of the nation with whose ports they may open their ports; or, if, from motives of policy, she were to abstain from this last exclusion, yet the opposite party would certainly have the vital right to pursue the same measure, whereby the same consequence would ensue. But for a nation to have its peaceful industry suspended, and its citizens reduced to idleness and want, by the act of another, is a restriction which the common reason of mankind, and the united wisdom of the nations, would be unable to warrant. If we, and our friends, will purchase your producer! because it is obvious that this effectually destroys the right all people have of judging for themselves what market best suits them, and precludes them from the enjoyment of the necessaries and comforts which might be obtained in return from any other independent country. It being evident, therefore, that the state of war existing between Great Britain and France furnishes no legitimate right to either interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations, the exercise of it will be as lawful hereafter as now, in peace as in war; for no ground acknowledged by the common reason of mankind authorizes any power to prevent the commerce of nations at any time and in any practice is hereby begun, to which no time, no circumstances, prescribe any limits, and which strikes at the root of the agriculture of the United States—branch of industry which gives food, clothing, and comfort, to the bulk of their inhabitants.

This article proceeds directly to draw the United States from that state of peace in which they wish to remain; for, it is an essential character of neutrality to furnish no aids (not stipulated by previous treaty) to one party which are not furnished with equal readiness to the other. If the United States permit corn to be sent to Great Britain and France, it is not in peace, but in war. To restrain it would lead to war with France and reckoning between restraining it themselves, and acquiescing in the restraint by her. It is no doubt, that the President trusts the justice and friendly disposition of His Majesty will not permit him to reduce the United States, especially as he is conscious that they have given no cause for it by any part of their conduct; he therefore disclaims whatever of the United States is not a matter detrimental to them will be discontinued, and compensation made to such of their citizens as may have suffered through them.

In thus unloading to His Majesty's Government the objections to this measure, the undersigned is particularly instructed to declare that the United States found their expectation of justice from His Majesty's Government on a principle of justice, and on their promise, to offer the most explicit assurance of their earnest desire to live on terms of the best friendship with this country.

THOMAS PINCKNEY.

Mr. Hammond to the Secretary of State.

PHILADELPHIA, April 11, 1794.

Sir: In a letter which I had the honor of addressing to your predecessor, on the 12th of September last, I communicated to him an additional instruction, given by His Majesty's council, of the 8th of June, 1793, to the commanders of all British armed vessels, and accompanied it by some few observations, explanatory of the principles in which it had originated. But as Mr. Pinckney has recently presented to His Majesty's ministers a memorial relative to the instruction in question, I am directed to submit to you, sir, some further remarks on this subject.

I have formerly stated that, at the period of issuing this instruction, the situation of France was notoriously such as to point out the prevention of its receiving supplies as one of the means of reducing it to reasonable terms of peace with the United States. Confronted with an absolute pretension of the declaration of war with the United States, France, it could no longer be regarded as a mercantile speculation of individual, but as an immediate operation of every persons who had declared, and were carrying on, war against Great Britain. Notwithstanding this situation and circumstances, His Majesty's Government, so far from proceeding to the extent which the law of nations would have authorized, but, on the contrary, restrained all attempts to render the nation in danger, they by the instruction only prevented the French from being supplied with corn, omitting all mention of other provisions, and especially rice, one of the staple agricultural productions of the United States; and even with regard to corn, instead of a confiscation of the cargoes, assured to the neutral proprietors a full indemnification for any loss they might suffer, being a possibility sustained.

It is not essential to the present question to enter into an examination of the different definitions, which, as you, sir, well know, have been given of the law of nations, and of the consequent diversity of sentiment that has preceded the establishment of such principles. I shall therefore not hesitate to admit the broad basis which Mr. Pinckney has assigned to it—reason, and the usage of civilized countries; but I must premise, that, though the principle of reason be immutable, its dictates are sometimes by circumstances, or liable to different interpretations; and that the usage of nations is fluctuating. Hence, then, in order to ascertain the real nature and force of those principles which have been established on this basis, it is necessary to recur to the result of the experience and wisdom of ages and of nations, as it is collected and exposed by those...
authors who have treated this subject. If it be examined by this criterion, it is manifest that the right of a belligerent Power to stop, and even to seize, supplies of provisions going to its enemies, is strongly inculcated in all the ancient authors, and is comprehended in the usual and natural signification of these respects, than which it is to be found in the books of authority, on which the practice and law of nations rest; and, in point of fact, it would, I doubt not, be found, on investigation, that the milder usage, with respect to provisions, is of a recent date. In regard to the collateral argument which Mr. Pinckney deduces from the enumera-
tion of articles contained in the "contrabande de guerre," it is contained in the following terms to ob-
serve, that those treaties are not declaratory of the law of nations, but are restrictions and modifications of that law by special agreements between the contracting parties; and are consequently neither binding on other Powers, nor even on the parties themselves in other cases. But even in the following treaties, it would be found for, to ob-
serve, that the power of seizing contraband is not declared to be an inherent right of the belligerent Power, nor even in the cases where such right is declared to be inherent, is it declared to be free of restriction or regulation by any of the parties. It must be observed, that in the case of contraband, and the sole limitation, which he appears to assign to declarations of this nature, is, that they shall not operate to the prejudice of particular treaties which may subsist between the neutral nations and the belligerent Power promulgating such declarations. I shall certainly not controvert Mr. Pinckney's position, that it is the common interest of mankind, that a culture which, like that of the soil, furnishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended because two nations are involved in war; but I must, at the same time, be permitted to observe that it is at least a questionable point whether the "interests of humanity" be not best consulted by a recurrence, on the part of a belligerent Power, to all the honorable means of imposing on an enemy the necessity of submitting to reasonable terms of accommodation, and of thereby abridging the duration of the calamities of war. The expectation of imposing this necessity is the motive, under the influence of which this instruction has been given; and it is the result of that expectation, on the supposition that in this respect the nation is warranted by precedents; and is inculcated by those writers whose sentiments on questions of this kind are entitled to every degree of authority and respect.

The only part of Mr. Pinckney's representation, upon which I remain for to offer any further remarks, is his explication of the idea of the property of a neutral Power, both present and as it may be conceived to have happened at the conclusion of the late war. In this part of his representation, I find that the United States in this instruction, binding itself, as it is commonly done by foreign Powers, to the usage of neutrality, and to a violation of the neutrality of the United States; and that the United States in this instruction, has been such as the whole world appears to imagine that this measure on the part of the British Government would have a tendency in future to produce. Having now, sir, I hope satisfactorily, evinced that the right of a belligerent Power to detain and even seize provisions for its enemy, is not a mere doctrine, but is consistent to the law of nations, as explained by the best authors on the subject, and is even recognized by the stipulations of particular treaties, I cannot avoid expressing my conviction that the modification contained in the instruction of the 8th of June, to which it is the intention of the King's Government to adhere, will be governed by this Government as more favorable to the commerce of the United States, and that the highest principle of the law of nations, and Mr. Pinckney's article, the disposition to cultivate and maintain with the United States the most cordial harmony and good understanding. I have the honor to be, &c.

Mr. Randolph, Secretary of State.

The Secretary of State to Mr. Hammond.

Philadelphia, May 1, 1794.

Sir: Your letter of the 11th ultimo reviews a discussion long supposed to be concluded with greater convenience to our ministers of our respective nations in London. For my own part, as the additional instructions of June 8th, 1793, are essentially connected with that system, which has since appeared in more ample form, I wish to convey to our envoy extraordinary, as well the representations against them, as those truly serious re-
monstrances which the instructions of the 6th and 8th of June, 1793, contain, and the conviction with, the decision which I feel, that the United States have pursued with honor the path of neutrality: that His Britannic Majesty cannot with justice upbraid our conduct; and that the opinions which you are pleased to avow, tend to wrest from us the benefits due to our impartiality and love of peace; it is immaterial to pass over the doctrines contained in your letter, which seem to have been the germ of subsequent harsher measures.

In your exposition of the instructions of the 8th of June, as collected from your letter to my predecessor, on the 12th of September last, and from your remarks on Mr. Pinckney's memorial, you rely on two principal arguments: 1st. That, by the strictness of the right derived from the law of nations respecting contraband, and the actual situa-
tion of France, vessels of the United States, loaded wholly or in part with corn, meal, or flour, bound to any port in France, or any port occupied by the armies of France, may at least be lawfully stopped and detained: and 2d. That the rigor of this right has been softened, not only by exempting other provisions, and especially rice, but, also, by assuring to the neutral proprietors even of cargoes of corn, a full indemnification, instead of confiscating them. You next endeavor to remove the discontent excited by the preference established against the United States in favor of Denmark and Sweden, in the case of a blockaded or besieged port, by ascribing it entirely to the stipulation of treaties and to the apprehension expressed by the maritime states: and these instructions would be regarded as a preced-
ent for a similar severity from France, by affirming that France had begun it before they were formed. 1st. The epoch at which the distinction between a contraband and lawful commerce was first settled among nations, is, perhaps, neither known nor material. We have heard it said that it originated in treaty, be-
cause it is deducible from the internal law of nations, as denominated by Vattel, independently of treaty. For, as one Government, by carrying the instruments of war to the enemies of another, without an obligation, contracted prior to the commencement of hostilities, would thereby abandon its neutrality; so could not the individuals who were not parties to such a contract, without a breach of the law of nature, be liable to injury or loss. As no one could be a fitness for war, then, as is indicated by what are called instruments of war, is the original criterion of contraband. Corn, meal, and flour, do indeed support men; and men wield arms. But they support men no less in peace than in war; and if, by a circuit of construction, food can be universally ranked among military engines, to be used for any purpose, it must be confessed, if it be not in all circumstances, must be confessed, corn, meal, and flour, are so; in a blockade, siege, or investment. There the exclusion of them directly and obviously goes to the reduction of the place; but neutral commerce is, in this instance, infringed only, where the exclusion would endanger the warlike operations. In a general war, they must, it would be replied, that this position would withdraw naval stores, as being suited to peace or war, from the list of contrab-
band; I shall be ready to examine whether, upon principle, they partake not the qualities of ordinary merchandise; whether the ancient writers who first pronounced against them, did not live (to use the language of a high British

* Vide the eleventh article of the treaty of alliance, concluded on the 21st of October, 1661, between King Charles the second and his Swedish Majesty.
† Jenkins, p. 8.
authority on the same occasion) when commerce was but little understood: its rights were not sufficiently regarded: war was too much a season of rapine; they who entered into it, meant less to conquer than to plunder; and when have exhausted the pernicious returns of their dictate, their rules and precepts. Many of the writers have proceeded: whether the modern usage of nations has not cast away the opinion as obsolete: and above all, whether corn, meal, and flour, do not hold a pre-eminence over naval stores, by being the most part incapable of being domesticated, or of subsisting on land.

When Mr. Pinckney refers to treaties for the enumeration of contraband, you answer that they are not declaratory of the law of nations, but restrictions and modifications of that law by special agreements but seen the parties—" not binding on other Powers, nor even on the parties themselves in other cases"? and, in the treaty of Brest, 1778, these reservations are entirely nullified.

After premising that treaties as well as statutes often re-enact a pre-existing law, a few of the English treaties most important to the present purpose, shall be consulted.

We are at a loss to determine why, in 1655, Crownell omitted provisions from his treaty with the United Provinces, whereby the United Provinces were not at all apt to stop short of his rights, or to discard any possibility, by which he might accomplish his designs.

In the treaty of commerce between France and England, in 1667, corn, barley, other grain, and every thing tending to the subsistence of man or beast, were declared contraband.

In the treaty of commerce between Charles II. King of England, and the States of Holland, in 1668, the liberty of trade is granted to all goods which are not called contraband; and no goods are there so called but arms, and things which serve for the use of war; those serving for sustenance and the support of life being excluded in terms.

By the treaty of Utrecht, in 1719, between England and Spain, wheat, barley, other grain, and generally whatsoever belongs to the sustaining and nourishing of life, are excepted from contraband.

In the treaty of commerce and navigation between England and Russia, in 1766, only military stores are contraband.

In 1786, Denmark as well as Russia concur in the same ideas.

And the last expression of the sense of Great Britain, in the year 1786, in the treaty with France, was, that wheat, barley, and other kind of corn, were not to be reckoned contraband.

In the treaty of navigation with Powers of different orders; with one against whom she has been employed in perpetual rivalship and war; with others whose bias of commerce and the fruits of whose agriculture could most annoy her by supplies to her enemies; with Holland, with France, with Spain, and with Russia. I pretend not to assert that England has been immutable in regarding and respecting this immunity in her treaties. But, in that period, she has deviated, without reason; which at the moment only indicated it was necessary to better information, will enable you to correct me. If, however, you appeal to the convention between Holland and England in 1668, as a proof of the contrary, I must cite the animadversions of Jenkinson and Vattel. "Such therefore, that treaties are called to the necessity of the hour, which, in proceeding thereby those bounds of equity and moderation which she had almost always practised in this point before and which she will, I hope, most faithfully observe for the future. The Dutch, if he, as well as other the crowns, who were particularly affected by this prohibition, contended very vehemently against it; in answer to their objections were urged the circumstances of affairs, the danger of Europe, and the mighty strength of that ambitious power, which, if some extraordinary fort was not made, would bring mankind under its subjection. It is remarkable that Puffendorf, who owed his fortune and employments to one of those northern crowns, was of opinion in this case against them; and thought that the too much for one or another end; it circumstances may sometimes make a thing to be lawful, which, considered by itself, would be unjust or such times are truly unhappy, when necessity must be pleaded in support of a right."

England and the United Provinces having agreed in the treaty of Whitehall, signed on the 29d August, 1669, to regard no ship, whatever the cargo or character, as contraband, or coming out of, the harbors of that kingdom, to be a lawful prize, Sweden and Denmark, from whom some ships had been taken, entered into a counter treaty on the 17th of March, 1693; for maintaining their rights, and procuring just satisfaction. The maritime Powers, perceiving, that the complaints of the two crowns were well grounded, did not justify their exertions.

All the major nations of Europe, and in addition to these, Denmark and Sweden, have followed the same practice in their treaties—I shall not say exclusively, because this would imply a greater intimacy with their foreign relations than at this distance we perceive, that it will not be too assuming to conjecture under what influence they may have occasionally departed from these tenets, permit me to hazard a belief that the examples of such a departure, and especially in certain high-toned declarations of Holland, in the last century, and of Louis the Fourteenth of France, will be found in motives which bear no affinity to, and can neither illustrate nor weaken, the principle.

These, are the striking features of the customary law of nations, as defined by Vattel. "When, says he, a custom is generally established, either between all the polished nations in the world, or only between those of a certain continent, as of Europe, for example, or those who have a more frequent correspondence, if that is custom in its own nature, such is it to every other who might make it useful, it ought to be obligatory on every one, not only by the law of nations, but also by the law of nature, other wise while they have not expressly declared that they will not adhere to it. But if that custom contains any thing unjust, or illegal, it is of no force, and every nation is under an obligation to abandon it; nothing being able to oblige or permit a nation to negotiate a new law." Although the United States be without the European circle, they not only have a frequent correspondence with Europe, but in various public acts have proclaimed their abhorrence of enlarging the catalogue of contraband. I appeal to their treaty with Holland, to their treaty with Sweden, and their treaty with Prussia. A passage in the last has abolished the clause of the convention to which I alluded in the former treated of—"And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise herefore called contraband, such arms, armorial, and other warlike stores as are carried in the said ships by the said other party to the enemies of the other shall be deemed contraband, so as to induce confiscation, or condemnation, and a loss of property to individuals, &c.

That suggestion is wise and useful your own candor admits. You express yourself thus: I shall certainly not controvert Mr. Pinckney's observation, that it is the common interest of mankind, that a culture, which, like that of the soil, furnishes sustenance and employment to so great a proportion of them, should not be interrupted or suspended, because two nations are involved in war. But what if these evidences of custom were less forcible than they are? When I review the events of Europe for more than a century past, and remark how much they have been crowded and diversified; how strong mercantile
tile enterprise has been; how seldom other nations have suffered, and that Great Britain has not suffered at all, from this barthen on neutral commerce, I must be indulged with the inquiry, if, upon the supposition of the ancient law of nations, subject to its limitations, by the interposition of society, commerce with the world, are to be dead to them? If they are, is it because they are sovereignties of a recent date, and in the Western hemisphère, although, whencesoever they might, they have narrowed the sphere of contraband? Would not the nations of Europe deem the United States innocuous in that respect, if they should assume the imperative, in any prevailing modification of that law? Would Great Britain herself be silent? Let then the inconvencences and advantages of these alterations be to us reciprocical.

As you have selected the treaty of England with Sweden, in 1601, in opposition to Mr. Pinckney, it has been reserved for a test of the preceding doctrines. I acknowledge that provisions are contraband, according to that treaty; but in what manner? Does it recognize them as contraband under the law of nations? This cannot be maintained, because the treaties, for more than a hundred years past, announcing them not to be contraband, are more numerous than those of a different complexion, and, therefore, enjoy a better title to be declaratory of the law of nations. Does it break the uniformity of the law, which has long obtained? It is presumable that no more can be quoted, unless it be between England and Holland, in February, 1675-4, which may be accounted for on different grounds, and was quickly cancelled by the treaty of December, 1674, or that in 1699, on which we have already spoken. If this be true, it is the most obvious and manifesting this of 1661, to wit, in 1654 and 1656, between the same parties, the definition of contraband does not embrace provisions. If this variation has not been wrought by peculiar causes, it is at any rate overwhelmed by the mass of conflicting authorities, to which England has herself given birth, at different stages of her commerce.

You next resort to the opinion of being friends to the instructions.

Until Grotius, in 1605, published his work on war and peace, the subject had been much neglected. "He," says Vattel, "broke up the land, and it is not surprising that his mind, overcharged by an immense variety of objects and citations which entered into his plan, could not always acquire those distinct ideas, so necessary in the sciences."

He admits, I own, that, if a nation cannot defend itself without those things which are sent to its enemies, such as money, provisions, ships, and naval stores, necessity will give that nation a good right to them, upon condition of restitution, if there be no just cause to the contrary. This is no palliative for the instructions, because Great Britain not only absconded in corn, meal, and flour, but her European ports were shut, by prohibitory duties, against their importations from the United States.

He afterwards treats of the right of one enemy to intercept provisions going to another. "If the supplies sent thither hinder the execution of my designs, and the sender might have known as much as, if I have besieged a town, or blocked up its entrance. In this case, an intercepted, it is said, that sender is obliged to make me satisfaction for the damage that I suffer on his account." Upon what data the citizens of the United States could calculate that their accustomed trade would hinder the execution of the designs of Great Britain, will be hereafter treated of. But let me say this as much the better. Behamey, the commentator of Grotius, whose notes enhance the dignity of the text, and are the efforts of an enlightened pen, in an enlightened age, when the law of nations had been critically investigated, liberates us from every dilemma in this respect.

Provided, that, in furnishing corn, for instance, to an enemy besieged and pressed by another, it is not done with design to deliver him from that unhappy extremity; and the party is ready to sell the same goods also to the other enemy, the state of neutrality and liberty of commerce leave the besieger no room for complaint. "There is the more reason for this, if the seller had been accustomed to the traffic in the same goods before the war." He puts the strongest possible case, that of a siege, and yet decides for the neutral. Your West Indies are conscious that we have been always ready to sell to them our corn, meal, and flour: your merchants have enjoyed full liberty of purchase. Your own inquiry into our trade must have convinced you, that long before the war, we were in the habit of exporting those commodities to France.

You are certainly correct in your estimate of Martens' elementary treatise on the modern law of nations, but are you equally so in inferring, from his 374th section, that he regards corn as contraband? That we may discover his genuine sense, it may be well to present together all the important sections on neutral commerce.

§ 270.

"Of neutral commerce, according to the universal law of nations.

"One of the most important points relatively to the conduct which the neutral Powers are to hold, is the commerce to be carried on with the enemy. Now, in considering the thing on the part of the neutral Power, the right was not proved of the time of peace, and transgression into the commerce of an enemy, and the continuance of carrying on this commerce with it, also remains to it, when a war takes place between two Powers, so that it may permit its subjects to transport every sort of merchandise, and even arms or warlike stores, to the two Powers engaged in the war, or to that one of them with which this commerce may be continued or established most advantageously to itself. But let me say this as much the better. Behamey, the commentator of Grotius, whose notes enhance the dignity of the text, and are the efforts of an enlightened pen, in an enlightened age, when the law of nations had been critically investigated, liberates us from every dilemma in this respect. However the belligerent Power, having a right to hinder its enemy from being reinforced by whatever serves for the use of war, the necessity of its own state was to prevent these measures arriving to the enemy, still it ought not to confine itself to the holding of these mercantile during the war, or to the appropriating of them to herself, but it may make provision for the value of the thing to the neutral proprietor. But this right to confiscate such merchandise, or even the vessels carrying them, seems not to belong to the enemy, except when the neutral Power has violated the laws of neutrality, or when this confiscation is made at a place amenable to the laws of the sovereign exercising it."

§ 271.

"Entire prohibition of commerce.

"In consequence of this last principle, and of the rights of every sovereign in general, the belligerent Power may even prohibit all commerce with the enemy throughout the extent of its territory and maritime dominion, in the places and provinces of the enemy of which it has rendered itself the master, and even with the places which it holds blockaded as to be able to prohibit the entry therein of every stranger. In all these cases, it may subjoin to its prohibition the penalties either of confiscation of the effects, or of the vessels, or the corporal punishment of those who exercise this commerce."
it has even been certain to certain mercantiles, which do not serve directly or solely for war, inasmuch as they might be useful to the enemy; whilst, in others, the latter are expressly ranged among mercantiles, the commerce of which is made the principle which has been expressly proscribed, when nothing has been said of the neutral Powers.

"Besides this, the maritime Powers have been, particularly since the end of the last century, to make, at the commencement of war, declarations, in order to notify to the neutral Powers the mercantiles which they would regard as contraband, and which they shall esteem on those who might transport them to the enemy. These declarations are less laws than notices; but their effect cannot be extended to the Powers with whom treaties subsist, which cannot be injured by them."

§ 275.

"Penalty attached to contraband commerce."

"A nation which authorizes this contraband commerce is deemed to violate the obligations of neutrality; and the belligerent Power is permitted to confiscate such mercantiles and even, sometimes, the vessels. This latter point is very questionable, when the proprietor of the vessel had known she belonged to a neutral Power, either in the whole or in part. At present, however, almost all the commercial treaties have abolished this custom entirely, or, at least, they do not admit it, except in some cases. But where no treaties exist, the conduct observed by the belligerent Powers is rather inconstant."

§ 276.

"Freedom of neutral commerce acknowledged in Europe."

"But as to mercantiles which are not contraband, it is generally adopted, that it is permitted to the neutral Powers freely to trade in them with the enemy, and to transport them to the enemy, except in places blocked up, by which all commerce is interrupted. However, neutral merchant vessels ought, in open sea, to submit to the customary visitation, or which that is fixed by treaties in almost an uniform manner."

The deductions from this author are,

1. That the neutral rights extend to every kind of merchandise, and even to arms or military stores, with certain exceptions, which do not protect any other nation.
2. That the places of an enemy with which commerce is interdicted, are those only which are possessed by the adversary Power, or blocked up, so as to prevent the entrance of every stranger.
3. That treaties of commerce have sometimes classed provisions among contraband, and sometimes among lawful merchandise, and that,
4. A commerce in mercantiles, which do not serve directly or solely for war, is to be presumed lawful, when nothing has been regulated concerning it.

Which, sir, of these deductions confront the doctrines now advanced?

It is true, from a passage in your letter, the answer which will immediately—there is no other limitation upon the will of a nation to increase the number of contraband, than that treaties shall not be violated. If this were tenable, the law of nations, instead of being a stable rule, would fluctuate, according to the caprice and force of the belligerent Powers. But Martens obviates such a consequence by observing that "these declarations are not to be understood as assertions of warnings." The law is, therefore, to be sought for elsewhere than in those notices; it must have existed before.

Let us now turn from the question of contraband to your second vindication of the instruction, namely, the probability of its successful operation against France. To this end, you state that, "at the period of issuing the instruction, the situation of France was notoriously such as to point out the prevention of its receiving supplies, as one of the means of reducing it to reasonable terms of peace." And, again, that "it is, at least, a questionable point whether the interest of humanity be not best consulted by a recurrence, on the part of the belligerent Power, to all honorable means of imposing on an enemy the necessity of submitting to reasonable terms of accommodation, and of thereby abating the duration of the calamities of war," and that "the expectation of imposing this necessity is the motive under the influence of which this instruction has been issued, and is the acknowledged ground of your former explanations of it." &c.

You have not, sir, except in a few instances, meddle with this branch of the subject further than the stress which you lay upon it demands. In defence, therefore, of the commercial rights of the United States, I must be pardoned for asking if the actual situation of France does, in truth, afford a clear and unequivocal prospect of defeat by famine? What is the state of the environs of that country, the quota for labor, the agriculture, the total of the internal resources of France, induce so much of doubt, at least, as to the possibility of any hopes of provisions from the adversary? and is it not a sufficient answer to your objections against the check to our commerce, if, the two seas which wash her territory and her coasts, for many hundreds, miles, can be so guarded as to render the importation of subsistence impracticable; if she cannot send forth naval convoys competent to your advantage, or get her supplies by overland conveyances? If, for the possible difficulty which a scantiness of external supplies might create—i.e., from the possible clamors and tumult which the want of imported bread might stir up; or if from any other speculation, a neutral trade, of many years standing, is to be suppressed, some of the belligerent parties, in every war, will set off pretext for harassing neutrals.

To counterbalance the innocence of individuals, and drive all from the course of their commerce, upon the vague suspicion that the ruling power of France is gathering supplies under their names, as you seem to intimate, is to humiliate and to punish.

Vattel remains to be examined. "Commodities," he says, "particularly used in war, and the importation of which to an enemy is prohibited, are called contraband goods; such are arms, military and naval stores, timber, horses, and even provisions, in certain jurestures, when there are hopes of reducing the enemy by famine."

So that, in point of fact, the usage of nations, and the opinions of other respectable writers, are repeated, to controvert this dictum. But, without dwelling longer on such considerations, if the judge of these hopes of reducing the enemy by famine be one of the warring Powers, it must be guided, upon this, as upon every other occasion, and that under them from the great duty that "each nation ought to contribute all in its power to the happiness and perfection of other nations." I ought to be held to the utter, without demonstrable justice, the rights of another nation. It ought not to be seduced, by sanguine expectations of advantage, to forget our full claim to whatsoever neutrals can reasonably require. At the very moment when our citizens were navigating the ocean, ignorant of any penalty which they had to avoid, as soon as the instructions had undergone the forms of office, they were the victims. Those who undertake to judge for us should remember what the impression must be, if the proclamation of the President of the United States reached London before they were published; that we were not impressed, as stated by Great Britain, in any official channel, for months after it had been brought thereto by reprobation; and the instructions of the 6th of June, operating independently, and not handed to us by you until the 19th of September, were disturbing our commerce for more than three months before we were admonished of our danger.

Denmark, therefore, it is not involved in the words of the first clause in the instructions. But if the late tablets of Arnowil are to be believed, the interest of those nations, in the direct exports of corn, meal, and flour, to France, and the carrying trade in those articles thither, has received no wound, of which they greatly complain. So that, in fact, of the nations inhabiting the shores of the Atlantic ocean, and practising their navigation," the instructions essentially interfere with the United States alone.

"Such as ship timber, cables, hemp, specie, grain, brandy, tobacco, and other articles of life," &c.
2. With our rights thus fortified, we have no room for discussing the moderation which you attribute to the exercise of your pretensions. We are not free from injury by the exemption of rice, or the forbearance to confiscate corn, meal, and flour. We are not compensated for our injuries, because no more than two out of three of our agricultural productions are wrested from the channels chosen for them by ourselves. Compute, sir, the value of those prohibited goods, and their importance to the growth of our shipping. Although it will always be a serious object to keep our rice markets unclugged, the losses by the instructions are neither covered nor concealed by the indulgence to rice. Its freedom plainly speaks that France was not presumed to be relieved by it; or else the belief of a famine by arresting corn, meal, and flour, was vain. Hence the profit of this exportation would be an inadequate atonement, even upon your own scale, for the other wrongs. Further, the original destination of the corn, meal, and flour, to France, was dictated by France being notoriously a better market than any other to which they had access; especially when they were to be conducted into the British ports under the stigma of being culprit property. It will be necessary, therefore, before the temper of the instructions be fairly appreciated, to compare the actual allowance in the English ports with the prices in the true port: to determine what the degree of damage is to a merchant, whose agent lives in France, to have his ship compelled to enter into England; how long it may be before she can be accommodated to this unlooked for situation; what capital may be rendered for some time inactive; what preparations for a return cargo may be ruined at the intended port; and what derangements may overtake an individual whose study and fortune have been fixed to one scheme. When all these items shall be assembled, then, and not till then, shall we know the rate of compensation which is afforded by the omission to confiscate. But, after all, the real question is, whether any belligerent Power can thus fetter neutral trade? Nay, if the instructions had terminated only in the demand of security, one of the conditions upon which vessels may be rescued from the admiralty, even this would have been vacuous. It is very rare that security can be obtained in a foreign land, where neither an owner nor a correspondent resides, without an hypothecation of the vessel.

3. In your letter of the 19th of September, 1793, you contend that the exception in favor of Denmark and Sweden has reference to existing treaties with those Powers, and cannot, therefore, give just grounds of umbrage or jealousy to other Powers, between whom and Great Britain no such treaties subsist. As the instructions in the instance of a blockade light upon the United States alone, of all the Atlantic nations, when our remonstrances upon the capture shall be heard, it will probably be again pronounced, as it has already been, without any reply in your last letter: "What might not we, on the same ground, have withheld from Great Britain during the whole course of the present war, as well as the peace which has preceded it?" Reluctant as I am to kindle fresh contests, this topic will not, at present, be dilated. But surely to exact the last iota of a right awakens an unsocial feeling.

4. It is of no consequence, nor do I pretend to ascertain, from whom we have received the first injury. Complaints against one nation cannot be discharged by severity from another. But Mr. Pinckney argued with fitness, that, if the United States acquiesced in the instructions of Great Britain, as being consonant to the law of nations, they must acquiesce in the pleasure of all the world, who, by waging war, may destroy every foreign market. From another people, whose acts offend us, we shall expect satisfaction. We expect no more from you.

No, sir, we have labored to cultivate with the British nation perfect harmony. We have not attempted, by a revival of maxims, which, if ever countenanced, are now antiquated, to blast your agriculture or commerce. To be persuaded, as you wish, that the Instructions of the 9th of June, 1793, are in a conciliatory spirit, is impossible. And be assured, sir, that it is a matter of sincere regret to learn the intention of your Government to adhere to them, notwithstanding our representations, which utter, as we flatter ourselves, the decent but firm language of right. I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Mr. Hammond, Minister Plenipotentiary.

Mr. Ellsworth, from the committee to whom was referred a number of resolutions moved in the Senate, relating to the navigation of the Mississippi, and the negotiation at the court of Spain, submitted the following report:

That, in the negotiation now carrying on at Madrid, between the United States and Spain, the right of the former to the free navigation of the Mississippi is well asserted and demonstrated, and their claim to its enjoyment is pursued with all the activity and vivacity which the magnitude of the subject demands, and will duly be pursued, until the object shall be obtained, or adverse circumstances shall render the further progress of the negotiation impracticable. That, in the present state of the business, it would be improper for Congress to interfere. But the committee recommend, that, in order to satisfy the citizens of the United States more immediately interested in the event of this negotiation, that the United States have uniformly asserted their right to the free use of the navigation of the river Mississippi, and have employed, and will continue to pursue, such measures as are best adapted to obtain the enjoyment of this important territorial right, it be

Resolved by the Senate, That the President of the United States be, and he hereby is, requested to cause to be communicated to the Executive of the State of Kentucky, such part of the existing negotiation between the United States and Spain, relative to this subject, as he may deem advisable and consistent with the course of negotiations.

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The documents which accompany this message develop the measures which I have taken to suppress them, and the intelligence which has been lately received. It will be seen from thence, that the subject has not been neglected; that every power vested in the Executive, on such occasions, has been exerted; and that there was reason to believe that the enterprise projected against the Spanish dominions was relinquished. But it appears to have been revived, upon principles which set public order at defiance, and place the peace of the United States at the discretion of unauthorized individuals. The means already deposited in the different Departments of Government are shown by experience not to be adequate to these high exigencies, although such of them as are lodged in the hands of the Executive shall continue to be used with promptness, energy, and decision, proportioned to the case. But I am impelled, by the position of our public affairs, to recommend that provision be made for a stronger and more vigorous opposition than can be given to such hostile movements under the laws as they now stand.

G. WASHINGTON.

PHILADELPHIA, August 29, 1793.

To His Excellency the Governor of Kentucky.

SIR: The commissioners of Spain, residing here, have complained to the President of the United States, that certain persons at this place are taking measures to excite the inhabitants of Kentucky to join in an enterprise against the Spanish dominions on the Mississippi; and in evidence of it, have produced the printed address now enclosed. I have it, therefore, in charge from the President, to desire you particularly to attend to any attempts of this kind, among the citizens of Kentucky, and if you shall have reason to believe any such enterprise meditated, that you put them on their guard against the consequence, as all acts of hostility committed by them on nations at peace with the United States are forbidden by the laws, and will expose them to punishment: and that, in every event, you take those legal measures which shall be necessary to prevent any such enterprise.

I have the honor to be, &c.

TH: JEFFERSON.

The Hon. Thomas Jefferson, Secretary of State.

GERMANTOWN, November 6, 1793.

SIR: I have received from the representatives of Spain here, information of which the following is the substance: That, on the 2d of October, four Frenchmen, of the names of La Chaise, Charles Delpeau, Matharin, and Gignoux, set out in the stage from Philadelphia for Kentucky; that they were authorized by the minister of France here to excite and engage as many as they could, whether of our citizens or others, on the road or within your Government, or any where else, to undertake an expedition against the Spanish settlements within our neighborhood, and, in event, to descend the Ohio and Mississippi and attack New Orleans, where they expected some naval co-operation; that they were furnished with money for these purposes, and with blank commissions, to be filled up at their discretion. I enclose you the description of these four persons in the very words in which it has been communicated to me.

Having laid this information before the President of the United States, I have it in charge from him to desire your particular attention to these persons, that they may not be permitted to excite within our territories, or carry from thence, any hostilities into the territory of Spain. For this purpose, it is more desirable that those peaceable means of coercion should be used which have been provided by the laws, such as the binding to the good behavior these, or any other persons exciting or engaging in these unlawful enterprises, inditing them, or resorting to such other legal process, as those learned in the laws of your State may advise. Where these fail, or are inadequate, a suppression by the militia of the State has been ordered and practiced in the other States. I hope that the citizens of Kentucky will not be decoyed into any participation in these illegal enterprises against the peace of their country, by any effect they may expect from them on the navigation of the Mississippi. Their good sense will tell them, that that is not to be effected by half measures of this kind, and that their surest dependence is on those regular measures which are pursuing, and will be pursued, by the General Government, and which flow from the united authority of all the States.

I have the honor to be, &c.

TH: JEFFERSON.

To His Excellency the Governor of Kentucky.

Le signalement du Sieur La Chaise, taille de 5 pieds 91 pouces, figure allongée, cheveux ronds, grand favorisé, taille bien faite.

Signalement de Delpeau, taille de 5 pieds 9 pouces, figure allongée, les yeux enluminées, grand cheveux allongé, un peu blanc, en pleine taille de figure.

Signale de Gignoux, taille de 5 pieds 6 pouces, cheveux et sourcils châtain, nez gros, bouche moyenne, menton rond.

January 13, 1794.

SIR: After the date of my last letter to you, I received information that a commission had been sent to General Clarke with powers to name and commission other officers, and to raise a body of men. No steps having been taken by him (as far as has come to my knowledge) to carry this plan into execution, I did not conceive it was either proper or necessary for me to do any thing in the business.

Two Frenchmen, La Chaise and Delpeau, have lately come into this State. I am told they declare, publicly, they are in daily expectation of receiving a supply of money, and that, as soon as they do receive it, they shall raise
a body of men and proceed with them down the river. Whether they have any sufficient reason to expect to get such a supply, or any serious intention of applying it in that manner, if they do receive it, I can form no opinion.

I judged it proper, as the President had directed me to write to me on this subject, to give you this information, that he be may be apprized, as fully as I am, of the steps which have been and are now taking here in this matter. If the President should, hereafter, think it necessary to hold any further communication with the Executive of this State on this subject, I wish him to be full and explicit as to the part which he wishes and expects me to act. That, if when that communication shall be within my knowledge, I may take the liberty to make any remarks on the part which I have in my power to show that the steps which I may take were not only within my legal powers, but were also required by him.

I have great doubts, even if they do attempt to carry their plan into execution, (provided they manage their business as well as they would be expected) whether there is any legal authority to restrain or punish them, at least before they have actually accomplished it; for, if it is lawful for any one citizen of this State to leave it, it is equally so for any number of them to do it. It is also lawful for them to carry with them any quantity of provisions, arms, and ammunition, and, if the act is lawful, the provision of arms, and nothing is done to prohibit it. But I know of no law which inflicts a punishment on intention, only, or any criterion by which to decide what would be sufficient evidence of that intention, if it was a proper subject of legal censure.

I shall, upon all occasions, be averse to the exercise of any power which I do not consider myself as being clearly and unambiguously invested with, and nothing is done to prohibit it. I do not know how far I am entitled to this confidence of your patronage that I can, and brethren, in favor of a man whom I view as an enemy and a tyrant. I shall also feel but little inclination to take an active part in punishing or restraining any of my fellow-citizens for a supposed intention only to gratify or remove the fears of the minister of a prince, who openly withholds from us an invaluable right, and who secretly inflicts upon us a most savage and cruel enemy.

But, whatever may be my private opinion as a man, as a friend to liberty, an American citizen, and an inhabitant of the Western waters, I shall, at all times, hold it as my duty to perform whatever might be constitutionally required of me, as Governor of Kentucky, by the President of the United States.

I have the honor to be, &c.

THOMAS JEFFERSON, Esq. Secretary of State.

Philadelphia, March 29, 1794.

Sir:

The letter which your excellency addressed to my predecessor, on the 13th of January, 1793, has been laid before the President of the United States, and I have it in charge from him to recall to your view the state of things with which it is connected.

It was further informed, on the 29th of August, 1793, that the commissioners of Spain had complained of attempts to excite the inhabitants of Kentucky to an enterprise against the Spanish dominions on the Mississippi; that the President requested you to be attentive to circumstances of this kind; and that if such an enterprise was meditated, your citizens ought to be put on their guard against the consequences, and that you should adopt the necessary legal measures for preventing for it, as, acts of treachery are, and are provided for by your citizen nations at peace with the United States, were forbidden by the laws, and would subject the offenders to punishment.

That every efficient exhortation might be combined with a sense of duty, it was, at the same time, represented to you that in the state in which you are now placed, the special interests of the State of Kentucky could be particularly commuted; as nothing could be more injurious to them than such a movement, at the very moment when their interests were under negotiation between Spain and the United States. Your excellency's answer, on the 5th October, 1793, gave a satisfactory assurance of your readiness to counteract any attempt which may be made against your State, and that you were then in contemplation in your State; and of your citizens possessing too just a sense of the obligations which they owe to the General Government, to embark in any enterprise so injurious to the United States.

It was, therefore, with full confidence in your zeal, that, on the 6th of November, 1793, upon the representation of the commissioners of Spain, you were further informed that, on the 3d of October, 1793, four Frenchmen, of the names of La Chaise, Charles Delpean, Mathurin, and Gignoux, had set out in the stage from Philadelphia to Kentucky, authorized by the then minister of France here to engage as many as they could, whether of our citizens or others, within your State, and to lead them into the States, or anywhere, to undertake an expedition against the Spanish settlements within our neighborhood, and in event to descend the Ohio and Mississippi, and to attack New Orleans, where naval operation was expected; and that they were furnished with money for these purposes, and with blank commissions, to be filled up at their discretion. Your excellency was requested to caution your officers to take every precaution which could be provided by the laws, (such as the binding down good behavior or indulging) or to resort to such other legal process as those learned in the laws of your State might advise. The letter conveying the foregoing intelligence, proceeds thus: "Wherefore, all or are inadequate, a suppression by the militia of the State has been ordered, and practical measures will not be deferred into any participation in these illegal enterprises against the peace of their country, by any effect which they may expect from them on the navigation of the Mississippi. Their good sense will tell them that it is not to be effected by half measures of this kind; and that their surest dependence is on those regular measures which are proposed, and will be pursued, by the General Government, and which flow from the united authority of all the States."

After the impression made by your letter of the 5th of October, 1793, you will naturally conclude how difficult it was to reconcile it with your last, of the 12th of January, 1794. As the constituent and the laws of the United States are to govern the conduct of all, so cannot it be well imagined that the President intended to impose upon your excellency any departure from them. You were asked to prefer peaceable means of coercing and, for that purpose, to consult those who were learned in the laws of your State, to designate legal measures to be adopted. I shall not attempt to determine the precise sense of your excellency, to determine whether any, or what, species of process was admissible. I beg leave, however, to observe that if, in the opinion of the judges, no preventive or other step could be supported, the President required none. My predecessor, in his letter of November 29, 1793, from what is now the State of Kentucky, and much of the laws of which are understood to be incorporated in your code, naturally suggested the propriety of binding to the good behavior and inducing. And, indeed, what Government can be so destitute of the means of self-defence, as to suffer, with impunity, its peace to be drawn into jeopary by hostilities levelled within its territory against a foreign nation, ordered to be prostrated at the will of tumultuous and rude societies of bloodshed and civil war to be introduced? You intinmate a doubt, sir, whether the two Frenchmen, La Chaise and Delpean, can be restrained or punished, before they have actually accomplished their plan, and assign as a reason for this doubt, that any step of your excellency or of the Executive of your State, to carry out the wishes of provisions, arms, and ammunitions before the completion of the whole plan, Hence you conclude that these acts, being lawful, a particular intention cannot render them unlawful, and that no criterion can be fixed for deciding such an intention. If there be no peculiarity in the laws of Kentucky, and that act is allowable to be reduced from general principles, or even analogy to the laws of other States, we might expect, from a candid examination of your excellency's, and hence the Executive of your State, to wait, as your excellency would seem to suppose, until their numbers shall defy the ordinary arrangements of force; and until they are incapable of being subdued, but by force of arms. To prevent the
extremely of crimes, is wise and humane, and steps of precaution have, therefore, been found in the laws of most societies.

Nor is this offence of foreigners expiated or lessened by an appeal to a presumed right in the citizens of Kentucky to set under such hands without the intervention of their Government, instituted for the happiness of the whole, with a clear delineation of the channels in which the authority derived from such a quarter may flow, can a part only of the citizens wrest the sword from the hands of those magistrate whom the whole have invested with the direction of the military power? They may, it is true, leave their country; they may take arms and present themselves before some court; but not on the ground of mere personal liberty, but of being retained in a foreign service, for purposes of enmity against another people, satisfaction will be demanded, and the State to which they belong cannot connive at their conduct, without hazarding a rupture. The evidence of a culpable intention is perhaps to be proved it is a subject of inquiry in penal proceedings, and undefined to an objection to your interference on this occasion. But here sufficient to say, that the President wishes you to do nothing more than the laws themselves permit. Let them have their free course, by such instructions as you may think adequate and advisable, and I trust that they will prove competent to rescue the United States from a painful alteration of their foreign relations.

As these unwelcome assemblages of military force may assume various forms, Congress have not been unmindful that the civil arm may sometimes be unequal to the task of sustaining civil authority. They have, therefore, by an act of May 2, 1792, conferred on the marshals and their deputies the same power, in executing the laws of the United States, as sheriffs and their deputies in the several States have by law in executing the laws of their respective States. They have rendered it lawful for the President, in case of invasion, to call forth the militia, or to issue his orders for that purpose to such officer of the militia as he shall think proper. They have empowered him to call forth the militia or call for the suppression of an insurrection in another, under certain circumstances; and to subdue, by the militia, any combinations against the laws which may be too powerful for ordinary judicial proceedings.

Thus far have I addressed your excellency upon the constitutional and legal rights of the Government, which perhaps are in strictness the only topics belonging to the present occasion. But, as it may not be known that the navigation of the Mississippi has occupied the earliest labors of the Executive, and has been pursued with an unresisted sincerity, I will lay before you such a sketch of the pending negotiation as may be communicated consistently with the respect due to the nation in treaty with us, and the rules observed in such cases.

The primary subject in that negotiation is the renewal of any treaty operated between the United States, has been to throw open to the commerce that resulted from the treaties, that have been held with the United States, by one of the commissioners of Spain here, that His Catholic Majesty, apprized of our solicitudes to have some arrangements made respecting our free navigation, gave the port of Cadiz, was ready to enter into a treaty at Madrid. And great, indeed, was that solicitude. For although this overture was not, as to the place, what might have been desired, yet it was attended to without delay, and accepted.

As a proof of the interest taken by the Government on this subject, I might mention that, not only was Mr. Carmichael, who had acquired an acquaintance with persons and circumstances in Spain, made a member of the commission, but Mr. Short was added, as being more particularly informed of the navigation to be treated of.

Instructions, comprehensive, accurate, and forcible, were prepared by my predecessor; and if at this stage of the business it were proper to develop them to public view, I should expect, with certainty, that those who are the president for the main object would pronounce that the Executive has been deficient neither in vigilance nor exertions.

For many months have our commissioners been employed in this important affair, at Madrid. At this moment their labors cannot be ascertained finally, what is the result of the negotiations with the powers of Europe, and other considerations, which at this season cannot with propriety be detailed, dictate a peaceable expectation of the result.

Let this communication, then, be received, sir, as a warning against the dangers to which these unauthorized schemes of war may expose the United States, and particularly the State of Kentucky. Let not unfounded suspicions of a tardiness on the part of either, or that the Government, the courts of the United States, or the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States, as may be applied for, or as he may judge sufficient to suppress such insurrection.

I cannot, therefore, doubt that, when your excellency shall revise this subject, you will come to this conclusion, that the enterprizes which you profess as a private man, a friend to liberty, an American citizen, and an inhabitant of Kentucky, if you are bound to the duty as a citizen, that you have considered, that on the other hand, the contemplation of those several characters, under which you have considered yourself, ought to produce a compliance with those measures which the President of the United States has consigned to your discretion and execution.

I have the honor to be, &c.

EDM. RANDOLPH.

His Excellency the Governor of Kentucky.

Copy of the first, second, and ninth sections of "An act to provide for calling forth the militia," &c.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation, or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion; and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper, and in case of an actual war with any State, against the Government of the United States, or of the President, or of the Legislature of such State, or of the Executive, when the Legislature cannot be convened, to call forth such number of the militia of any other State or States, as may be applied for, or as he may judge sufficient to suppress such insurrection.

Sec. 2. And be it further enacted, That, whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to execute the laws of the United States, and to cause the militia of a State where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and command the militia of such States most convenient thereto, as may be necessary; and the use of the militia, so to be called for, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

Sec. 3. And be it further enacted, That, whenever the several districts, and their deputies, shall have the same power, in executing the laws of the United States, as sheriffs and their deputies in the several States have by law in executing the laws of their respective States.

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Copy of a letter from the Secretary of War to His Excellency Arthur St. Clair, Governor of the Northwestern Territory, dated

Germantown, near Philadelphia, November 9, 1793.

Sir:

I have the honor to transmit a copy of a letter written by the Secretary of State to the Governor of Kentucky, relative to the design of certain Frenchmen, mentioned therein, to excite some military enterprise against the possessions of Spain upon the Mississippi, with which Power the United States are at peace.

The President of the United States has instructed me to request that you would consider the letter to the Governor of Kentucky as written to yourself, and that you take all the measures in the course of the laws for the prevention of the design, in the manner suggested by the Secretary of State. But if the design should have assumed such an aspect as to bid defiance to the operation of the laws, that then you use the militia of your Government to prevent the progress of the design; or that you request the officer commanding the troops of the United States in your neighborhood, in the name of the President of the United States, to afford you such assistance in the effectual suppression of such design, and apprehension of the offenders, as the nature of the case may require. You will please to report any proceedings of yours which may occur in consequence of this letter, in order that the same may be submitted to the President of the United States.

Copy of a letter from the Secretary of War to His Excellency the Governor of Kentucky, dated

Germantown, near Philadelphia, November 9, 1793.

Sir:

I have the honor to enclose your excellency a letter from the Secretary of State, relatively to the designs of four Frenchmen, to excite some enterprise against the possessions of Spain, on the Mississippi, with which Power the United States are at peace. To permit such a measure in any of the United States would be a breach of our neutrality, and of course violate the United States in the existing war between the belligerent parties, and therefore the enterprise is not to be tolerated in the least degree. The Secretary of State has suggested how this design may be prevented by the usual course of the laws. But if this mode should be ineffectual, I am instructed by the President of the United States to request that your excellency will use effectual military force to prevent the execution of the plan of the said Frenchmen, or any other persons who may support orabet their design; for the lawful expenses of which the United States will be responsible.

Any proceedings which may take place in consequence of the letter from the Secretary of State, or of this letter, you will please report, in order to be submitted to the President of the United States.

Copy of a letter from Major General Wayne to the Governor of Kentucky, dated

Head Quarters, Greeneville, January 6, 1794.

Sir:

I have the honor to enclose your excellency a copy of a letter to the commanding officer of the legionary cavalry, stationed between Georgetown and Lexington, in the State of Kentucky, directing him to receive and obey your excellency's orders, should you find any occasion for their services in suppressing the design mentioned in the enclosed extracts of letters from Governor St. Clair, and the Secretary of War: the original letter from the War Office you have undoubtly received before this period.

Should the force now offered be deemed insufficient, or should more be wanted, it shall not be withheld upon this interesting occasion; notwithstanding our proximity to the combined force of the hostile Indians, who are now kept in double check by the troops on this ground, and those posted on the field of battle of the 4th November, 1793, which we took possession of on the 24th ultimo.

The measures which I have taken for the security of the Northwestern frontiers, I hope and trust will be found salutary and effectual.

I have the honor to be, &c.

A. WAYNE.

His Excellency ISAAC SHELBY, Esq. Governor, Kentucky.

Extract of a letter from Lexington, Kentucky, dated

March 31, 1794.

"Monday—An agent from General Clarke, properly authorized by him, made his appearance here, for the express purpose of purchasing, on the credit of General Clarke, such articles as were absolutely necessary, in order that he might depart immediately.

"He called on me, shewed me his authority, and offered to purchase my two boats. The articles wanted were two, viz. five hundred pounds of powder, and one ton cannon ball. The purchases were completed; the powder is at this instant in my cellar; to-morrow it leaves this place for the falls. The boats will start next week; their provisions are all ready, and the 15th April is appointed for the day of their departure from the falls.

"Friday, April 4.—Yesterday the powder left this place."

The writer is expected in town in a few days.

Extract of a letter from the Secretary of War to Major General Wayne, dated

March 31, 1794.

"The idea of a post to be established at Fort Massac, was held forth on the 17th of May last, and left optional with you; but certain circumstances at that time prevented your adopting the idea. The late intention of some restless people of the frontier settlements, to make hostile incursions into the dominions of Spain, renders it indispensable that you should immediately order as respectable a detachment as you can, to take post at Fort Massac; and to erect a strong redoubt and block house, with some suitable cannon from Fort Washington.

"The officer who should command, ought to be a man of approved integrity, firmness, and prudence."

"Besides the directions for erecting the works, the supplies, discipline, and police of his garrison, he ought to be instructed somewhat in the following manner:

"Secret and confidential.—It has not been unknown to you, that a number of lawless people, residing on the waters of the Ohio, in defiance of the national authority, have entertained the daring design of invading the territories of Spain. The atrocity of this measure, and its probable effects, are pointed out in the proclamation of the President of the United States, herewith delivered to you."
"If this design should be persisted in, or hereafter revived, and any such parties should make their appearance in the neighborhood of your garrison, and you should be well informed that they are armed and equipped for war, and entertain the criminal intention described in the President's proclamation, you are to send to them some person in whose veracity you could confide—and if such person should be a peace officer, he would be the most proper messenger—and warn them of their evil proceedings, and forbid their attempting to pass the fort at their peril. But if, notwithstanding every peaceable effort to persuade them to abandon their criminal design, they should still persist in their attempts to pass down on the Ohio, you are to use every military means in your power for preventing them, and for which this shall be your sufficient justification, provided you have taken all the pacific steps before directed."

Copy of a letter from M. Williamson, Jr., to Captain Thomas Martin, dated Rock Landing, April 9, 1794.

DEAR CAPTAIN:

Agreeable to your request, I have made every inquiry about Murray; he has not been here, and if he should come, Captain Mc'Kinsey will certainly send him to the fort. Iwall set out for Carr's Bluff this evening, and if I should see or hear of him, shall send him immediately up and if any more of the Federal troops should desert, with an expedition of the same kind as that now expected to take place, I would hasten to join them to form a body of troops to march against the enemy. General Clark requested me to urge the necessity of not interfering with Government, particularly in that of persuading the troops of the United States to desert and join them; and that, if he could find out that any officer or soldier had acted in that manner, contrary to the interests of the United States, it should be given into the hands of the law, and be punished as the law directs.

I am, with respect, yours, &c.

M. WILLIAMSON, Jr.

Colonel Carr delivered his advertisement to Captain Mc'Kinsey, with a special command that the within mentioned deserter be safely taken to your quarters, provided he should come to this place, as well as any other that might desert, with an idea to shelter with the republicans, or F—— to F——.

M. W. JR.

Extract of a letter from Constant Freeman, Agent for the Department of War, in Georgia, to the Secretary of War, dated Fort Fidus, April 18, 1794.

"We have been for a long time held in suspense by the different reports which have circulated, relative to certain persons being employed in this State to recruit a corps of troops for the service of France. There cannot now be any doubts remaining upon this subject. Officers have been appointed, and are now acting under the authority of the French republic. Parties of recruits have already marched to the rendezvous appointed for them. Several men of this corps have crossed the Oconee, and encamped opposite Greensborough. A small party was found by us some days opposite to the Rock Landings; they had since marched to Carr's Bluff, to join with those that had assembled at that place. The general rendezvous, we are told, is to be on the river St. Mary. An agent is appointed to furnish the supplies; and he has, for that purpose, received ten thousand dollars. A person, who was formerly the contractor's clerk at this post, is employed by him to purchase four thousand rations of provisions.

He has gone down the country to execute this business.

On the 8th instant, a Colonel Carr, and Major Williamson, came to this garrison; they stayed the day and night with Captain Martin; they are said to be officers in the French service. This was confirmed by Major Williamson, who showed Captain Martin a letter of instructions which he had received from General Clark, directing him to repair to Fort Fidus, the Rock Landings, and Carr's Bluff; for the purpose of paying to the recruits of the French legion an allowance for mileage from their homes to the places of rendezvous. He showed Captain Martin a list of the men whom he had paid, and who are encamped on the other side of the Oconee, opposite to Greensborough, under the command of the late Lieutenant Bird, who is now a captain in the said legion; and he also showed Captain Martin his saddles and trunks, and told him that he had more than a thousand dollars in them for the purposes above mentioned; and he further informed him that General Clark would cross the Oconee in ten days from that time to take the command, and that Colonel Carr would be one of the adventurers. Major Williamson has been employed as paymaster.

Colonel Carr told me that large detachments had marched from the back settlements of South Carolina, and from the State of Kentucky; that the men were to be engaged for three months, and were to receive bounties of land in the provinces of East and West Florida, and Louisiana, which they were to conquer from the Spaniards; that M. Girod is appointed a major general, and is to command in chief, and that measures would be taken to connect the Creeks, that the legion might march through their country.

The next day they left this garrison, and proceeded on their journey to Carr's Bluff. That morning a soldier deserted from Captain Martin's company, and as it was apprehended he had joined the party of the French legion, then encamped opposite to the Rock Landings, Captain Martin sent a message to Major Williamson, requesting him that the man might be returned. He has received the enclosed letter as an answer, which I have desired him to give me that I might send it to you. This letter confirms what I have above written, relatively to Major Williamson being connected with this business.

There are many other persons named as officers in this new corps, but as it would be rather imprudent to mention them without some evidence of the fact, I forbear to send you their names.

Mr. John S. Gano, of Cincinnati, Northwestern territory, came through Kentucky, was at Lexington and Frankfort six days, and left Lexington on the 8th or 9th of April.

He says that the expedition of General Clark, to open the free navigation of the Mississippi, which had been suspended, apparently for want of money, had again revived; and it was said, owing to a supply of money which had arrived by a Frenchman, said to be a major, but whose name the informant does not recollect.

He says that the expedition had again recommenced, vigorously, their work at the rapids of the Ohio. That some persons of Kentucky, who had been appointed officers, had sold their property by auction.
That the measure of the expedition was openly advocated, and not opposed by any considerable numbers, by some did speak against it. That the President's proclamation had been received in Cincinnati, but he did not see any of them in Kentucky.

That they had provided some cannon and ammunition; and Mr. Gano was informed that they were casting more cannon at the iron works in Kentucky.

That it was understood that the inhabitants of Lexington had subscribed ammunition.

That Mr. Charles Smith, of Kentucky, informed Mr. Gano that he had actually received a commission of a major; that upon the arrival of the French major with the money, he had received orders to hold himself in readiness to receive it, at an early hour, upon the banks of the Ohio; but having more maturely reflected upon the business, he enclosed his commission to the said French major.

Extract of a letter from Major Henry Gaither, commanding the Federal troops in Georgia, to the Secretary of War, dated St. Mary's, April 13, 1794.

"The French are going on with an expedition against the Floridas from this place, and appear to have many friends in this undertaking among the inhabitants of this State. There is now at anchor, within musket shot of my fort, the sloop of war Las Casas, of eighteen guns, with two hundred men, most of them French, and one company of them infantry; they are last from Charleston. They say there are thirteen sail, equally large, and well manned, yet to come from different ports in the United States. There is a recruiting post at Temple, eighteen miles up the river from this; the last accounts say they have eighty men, and expect three hundred from the upper part of this State. This armament and land force they talk of will be sufficient, they say, to take the Floridas as soon as they please. The sloop of war, on her first arrival, saluted the fort. I have not returned the salute; the captain and officers are much offended; this has caused me to begin a three gun fascine battery in front of the fort, and next the river, for my own defence. I shall be very particular with the French troops, and avoid every thing like giving offence. I don't mean to leave this until matters get better settled."

May 6, 1794.

Mr. John Holland, an inhabitant of Savannah, left that place on the 9th ult. in the sloop Harmony, Captain M'Cormack, and arrived here on the 5th of May.

This gentleman informs, that the French sloop of war Las Casas, supposed to belong to the French fleet, lately from the Chesapeake, had landed some men on the Island of Amelia, to the southward of the St. Mary's; and that they were there erecting some works, and had landed some cannon. That General Clarke was on the Georgia side of the St. Mary's with a few men; their numbers said to be various, from one hundred and fifty to three hundred, but were daily augmenting and it was supposed intended to join the French, and to take the oaths of allegiance to them, in order to invade the Floridas. Clarke was said to have provisions and ammunition. The people of Savannah strongly reproached the measure. A person, name unknown, attempted to beat up for volunteers in Savannah, but he was forced to desist, and to give bail in the federal court.

A captain of a privateer, named Curvy, also attempted to beat up, but was also obliged to give bail and desist. The Governor was daily expected in Savannah.

A Colonel Hammond from Savannah is one of the principal officers. He was of the continental troops during the late war.

WAR DEPARTMENT, May 14, 1794.

Sir: By certain information, recently received from Georgia, it would appear that a General Clarke and others have organized themselves into a military corps, within the limits of the United States, and are thence about setting out upon some military expedition against the dominions of Spain, with whom we are at peace.

Any comments upon the illegality and criminality of such a conduct is entirely unnecessary to your excellency, as you have already issued your proclamation against the design.

But it may be necessary that further and more effectual measures be taken to prevent, entirely, the expedition, and bringing to punishment the authors, actors, and abettors thereof; otherwise the United States may become responsible for the consequences.

I am therefore desired by the President of the United States to request that your excellency will, if the same should be necessary, take the most energetic and decisive measures within your power for suppressing the said design. If the circumstances should require the employment of the militia, I am authorized to assure you that it may be done at the expense of the United States; and I am also directed to put under your direction the regular troops of the United States; for which purpose I have given Lieutenant Colonel Gaither the necessary orders, herein enclosed. And I have also further directed John Habersham, Esquire, the agent for furnishing the supplies in Georgia, to afford every necessary aid of provisions and quartermaster's stores, which you may require for this object.

I have the honor to be, &c. H. KNOX, Secretary of War.

His Excellency the Governor of Georgia.

Extract of a letter from the Secretary of War to Lieutenant Colonel Gaither, dated May 14, 1794.

Sir: If the Governor of Georgia should call upon you to assist him with the public force under your command, for the purpose of suppressing an illegal combination of men, alleged to be organized within the United States for the purpose of invading the dominions of Spain, you are promptly and cordially to place yourself, and all the troops and military stores, under his orders, for the said purpose.
GREAT BRITAIN.  461

3d CONGRESS.]  SPOILATIONS UPON AMERICAN COMMERCE.  [1st Session.


Sir:  I now do myself the honor of transmitting to the Senate the abstract of vexations and spoliations of our commerce, which was required by their resolution of the 13th day of March last.  The volume sent will show that such a business could not be immediately completed.  Indeed, sir, I was compelled, by the burthen of business daily depending and arising in the office, to engage a gentleman of the law to assist me in preparing the abstract.

Permit me to remark that the documents which have been forwarded to me, are in many instances so imperfect as to render it impossible to make such regular statements as I wished.

I ought, at the same time, to observe, that, on the 2d day of March, 1794, when I wrote my letter to the President of the United States, the cases of complaint against the British were thirty-two; against the French, twenty-six; against the Spanish, ten; and against the Dutch, one.  The propriety, therefore, of what that letter contains, will not be determined by the great list, which has been exhibited since; nor will it be supposed that I ever have undertaken, or do now undertake, to vouch for a single fact; having made, and being able to make, no inquiry beyond the allegations of the parties interested.

The abstract would have been drawn in the first instance, had it not been intended to endeavor to settle the business by representations to the foreign courts.  Unless the Senate desire that the papers be retained here, it is probable that many of them will be sent abroad.

I have the honor, sir, to be, with very great respect, your most obedient servant.

EDMUND RANDOLPH.

The Vice President of the United States and President of the Senate.

[The abstract referred to in the above is not on file.]

3d CONGRESS.]  No. 98.  [1st Session.

GREAT BRITAIN.  Communicated to Congress, May 21 and May 23, 1794.

United States, May 21, 1794.

Gentlemen of the Senate and of the House of Representatives:

I lay before you, in confidence, sundry papers, by which you will perceive the state of affairs between us and the Six Nations, and the probable cause to which it is owing.  And also, certain information, whereby it would appear that some encroachment was about to be made on our territory, by an officer and party of British troops.  Proceeding upon a supposition of the authenticity of this information, although of a private nature, I have caused the representation to be made to the British minister, a copy of which accompanies this message.

It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge, that this new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event, which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us.

G. WASHINGTON.

United States, May 23, 1794.

Gentlemen of the Senate and of the House of Representatives:

I lay before you the copy of a letter from the minister plenipotentiary of His Britannic Majesty, in answer to a letter from the Secretary of State, communicated to Congress yesterday; and also the copy of a letter from the Secretary, which is referred to in the above mentioned letter of the minister.

G. WASHINGTON.

The Secretary of State to Mr. Hammond.

Philadelpia, May 20, 1794.

Sir:  It cannot be unknown to you, that a speech, said to be addressed on the 10th of February, 1794, to several Indian nations, and ascribed to the Governor General of His Britannic Majesty at Quebec, has appeared in most of the public prints in the United States.  With so many circumstances of authenticity, after remaining so long without contradiction, it might have justified us in inquiring from you, whether it was really delivered under British authority.  Our forbearance thus to inquire is conformable with the moderation which has directed the conduct of our Government towards Great Britain, and indicates at the same time our hope, from the declarations of yours, that its views would prove ultimately pacific, and that it would discomfitence every measure of its officers, having a contrary tendency.

Even now, sir, while I entertain a firm persuasion that, in assuming this speech to be genuine, I cannot well err, I shall be ready to retrace the comments which I am about to make, if you shall think proper to deny its authenticity.  At the very moment when the British ministry were forwarding assurances of good will, does Lord Dorchester foster and encourage in the Indians hostile dispositions towards the United States?  If it was a part of the American character to indulge suspicion, what might not be conjectured as to the influence by which our treaty was defeated in the last year, from the assembling of deputies from almost all the nations, who were at the late general council on the Miami, and whose enmity against us cannot be doubtful?  How nearly would that suspicion approach to proof, were we to recollect that so high an officer as himself would not rashly hazard this expression: "I should not be surprised if we are at war with the United States in the course of the present year; and if we are, a line must then be drawn by the warriors."

But this speech only forebodes hostility: the intelligence which has been received this morning is, if true, hostility itself.  The President of the United States has understood, through channels of real confidence, that Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there.

I permit me then to ask, whether these things be so?  It has been usual for each party to a negotiation, to pay such a deference to the pretensions of the other, as to keep their affairs in the same posture, until the negotiation was concluded.  On this principle, you complained, in your letter of the 5th of July, 1792, of the jurisdiction attempted to
be exercised under the State of Vermont, within the districts occupied by the troops of your King; and demanded the same arrangement should be made, in respect to the districts which we have agreed to occupy, as was made with your predecessor, which you were assured that proper measures should be adopted. On the same principle you renew, on the 10th of March, 1794, a similar application; and are assured that the measures of the Government should correspond with its assurances. Accordingly, although the forts, garrisons, and districts, to which your letters relate, are confessedly within the limits of the United States, yet your citizens have been, and still are, forbidden to take possession of them. What return then have we a right to expect?

But you will not suppose that I put the impropriety of the present application upon the pendency of the negotiation. I quote this only to show the contrast between the temper observed on your part towards us, and on our part towards our predecessor in all precedents of the kind. The right and the discretion that the British government have is, to suppress this hostile movement; to remonstrate, it is an act, the hostility of which cannot be palliated by any connexion with that negotiation; it is calculated to support an enemy whom we are seeking to bring to peace.

Mr. Hammond, Minister Plenipotentiary of His Britannic Majesty.

Sir,

In answer to your letter of the 20th current, which I did not receive until late in the afternoon of yesterday, it is necessary to state to you, that it may be my personal opinion with respect to the style and manner in which you have thought proper to address me upon this occasion, and the manner of proceeding in your proposals, that you have thought proper to address me upon this occasion, and in your style of proceeding in your proposals, I have thought it proper to address you upon this occasion, and to request you to proceed with temper and candour to the examination of the subject of your letter. Though I never can acknowledge the right of this Government to require from me, so categorically as you have requested, the removal of any measures taken from the assistance of the British garrisons, which you consider to be beyond my control, and for whose conduct I am responsible. I am willing to admit the authenticity of the speech to certain Indian nations, to which you have alluded, and which you have ascribed to the Governor General of His Majesty's possessions in North America. But in order to ascertain the precise sense of the only passage of that speech to which you have referred, and at which you have given merely a partial citation, I shall quote the passage at length.

"CHILDREN: Since my return I find no appearance of a line remains, and from the manner in which the people of the States push on, and act, and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised if we are at war with them in the course of the present year; and if so, a line must then be drawn by private or public adventurers."

From the context of this whole passage, it is manifest that Lord Dorchester was persuaded that the aggression which might eventually lead to a state of hostility, had proceeded from the United States. And so far as the State of Vermont, to which I presume, his lordship principally alluded, was implicated, I am convinced that that persuasion was not ill founded. For, notwithstanding the positive assurances which I received from your predecessor, on the 9th of July, 1794, in answer to my letter of the 28th of the same month, of the determination of the General Government to discourage and repress the encroachments which the State and individuals of Vermont had committed on the territory occupied by His Majesty's garrisons, I assert with confidence, that not only those encroachments have been in any manner repressed, but that recent infringements in that quarter, and on the territory in its vicinity, have been strictly suppressed. In fact it has been intimated to me, by a public official, of the Indian Department, that the Government, would I remark that, though the space of fifty days elapsed between my letter of the 10th of March, 1794, upon this subject, and your answer of the 29th of April, 1794, you did not attempt to deny the facts which I then stated, and that you consider them as established.

In regard to your declaration that "Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there," I have no intelligence that such an event has actually occurred. But even admitting your information to be accurate, much will depend on the place in which you intend to build the fort, and the parties you select to found it from. And I am under the impression that His Majesty's government, or the officers, are so very anxious to avoid the approach of the American army. To either of which cases, I imagine that the principle of the status quo, until the final arrangement of the points in discussion between the two nations shall be concluded, will strictly apply.

In order, however, to correct any inaccurate information you may have received, or to avoid any ambiguity relative to this circumstance, I shall immediately transmit copies of your letter, and of this answer, as well to the Governor General of His Majesty's possessions in North America, and the Governor of Upper Canada, as to His Majesty's ministers in England, for their respective information.

Before I conclude this letter, I must be permitted to observe, that I have confined to the unprepared and continued aggressions of the State of Vermont alone, the persuasion of Lord Dorchester which they were indicative of an existing hostile disposition in the United States against Great Britain, and might ultimately produce an actual state of war, upon the principle of which his lordship has based his views of the conduct of this Government toward the sea. But even admitting this would be of no advantage to the British government, and of no force in law to the conduct of this Government toward the sea, the conduct of this Government toward the sea, it may be advantageously considered as a "contrast between the temper observed on your part towards us, and the temper observed on our part towards you."

I might have adverted to the rights made by those privates, of which the legality was in some measure admitted by the British Government, and the conduct of this Government to restore to Canada the forts and posts which has not been so strictly adhered to by the States. I might have adverted to the permission granted by this Government to the commanders of French ships of war and of privates, to dispose of their prizes by sale in ports of the United States, to the two private vessels, that had been fitted out at Charleston, at the commencement of the present hostilities, and which were allowed to depart from that port, not only with the consent, but under the express permission of the Governor of South Carolina, I might have adverted to the prizes made by those privates, of which the legality was in some measure admitted by the British Government, and the conduct of this Government to restore to Canada the forts and posts which has not been so strictly adhered to by the States. I might have adverted to the permission granted by this Government to the commanders of French ships of war and of privates, to dispose of their prizes by sale in ports of the United States, to the two private vessels, that had been fitted out at Charleston, at the commencement of the present hostilities, and which were allowed to depart from that port, not only with the consent, but under the express permission of the Governor of South Carolina, I might have adverted to the prizes made by those privates, of which the legality was in some measure admitted by the British Government, and the conduct of this Government to restore to Canada the forts and posts which has not been so strictly adhered to by the States. I might have adverted to the permission granted by this Government to the commanders of French ships of war and of privates, to dispose of their prizes by sale in ports of the United States, to the two private vessels, that had been fitted out at Charleston, at the commencement of the present hostilities, and which were allowed to depart from that port, not only with the consent, but under the express permission of the Governor of South Carolina, I might have adverted to the prizes made by those privates, of which the legality was in some measure admitted by the British Government, and the conduct of this Government to restore to Canada the forts and posts which has not been so strictly adhered to by the States.
insult which has been recently offered at Newport, Rhode Island, not by a lawless collection of the people, but by the Governor and Council of that State, to the British flag, in the violent measures pursued towards His Majesty's sloop of war Nautilus, and in the forcible detention of the officers by whom she was commanded. I have, however, borne to expiate upon these points, because I am not disposed to consider them, as I have before stated, as necessary elucidations of the immediate object of your letter, and much less to urge them in their present form as general topics of recrimination.

I have the honor to be, with great respect, sir, your most obedient humble servant,

GEO. HAMMOND.

The Secretary of State.

The Secretary of State to Mr. Hammond.

Philadelphia, April 29th, 1794.

Sir:

Very soon after the receipt of your letter of the 10th ultimo, I took more than one opportunity of mentioning to you verbally, that the Government of the United States was sincere and constant in its determination to fulfill its assurances concerning the districts occupied by the British troops, and the acts of violence said to be committed under the authority of the State of Vermont, on the persons and property of British subjects residing under the protection of your garrisons. I indeed promised to give you an answer in writing at an earlier day than this. But being anxious to obtain particular information from a gentleman, who was in town, well acquainted with the places to which you refer, and from some accident not being able as yet to lay my hands upon the letter of Mr. Jefferson to you, on the 9th of July, 1792, I was hopeful that my personal declarations to you would continue to receive such full confidence as to afford sufficient opportunity for the most particular inquiry. But being disappointed in seeing that gentleman, I think it best to answer your letter without further delay.

I have it in charge from the President of the United States again to assure you, that his purpose to cultivate harmony with your nation, and to prevent the measures of which you complain in the above letter, continues unchanged. Orders will be therefore immediately repeated upon this head, to repress the violence which you state, and they shall be accompanied with an injunction to use against the refractors every coercion which the laws will permit. We have received no intelligence of the particular facts to which you refer. But, to prevent all unnecessary cir-

In these measures, sir, you will see a real disposition in us to friendship and good neighborhood; and I shall be justified by your own recollection, when I claim the merit of our having been uniform in the same demonstrations.

I have the honor to be, sir, with great respect, your most obedient servant,

EDM. RANDOLPH.

Mr. Hammond, Minister Plenipotentiary of Great Britain.

Note.—For the papers relating to the Indians, referred to in the message of May 21, see Documents on Indian Affairs, No. 49.

34th Congress.] No. 99.

SPAIN.

Communicated to Congress, May 26, 1794.

United States, 26th May, 1794.

Gentlemen of the Senate and of the House of Representatives:

The commissioners of His Catholic Majesty having communicated to the Secretary of State the form of a certificate, without which, the vessels of the United States cannot be admitted into the ports of Spain, I think it proper to lay it before Congress.

G. WASHINGTON.

Form of a certificate which is required, in order that the produce of the United States may be admitted into the ports of Spain, to wit:

Before me, &c. personally came —— of the city of ——, merchant and citizen, who being duly sworn according to law, on his solemn oath doth depose and say, that the cargo here shipped by him in the ship ——, whereof —— is master, now bound from this port of ——, for ——, in Spain, to wit: ——, are of the growth or produce of the United States of America, (which I the said notary or magistrate also attest) and that no part thereof are of the produce of France or her colonies, nor have the same, or any part thereof, received any advantage or improvement in France, or any of its dependencies, nor in any manner contributed to its revenues, and the said depo-

nent further says, that the said cargo so shipped is the sole property of him, the deponent, and that they are citizens of the United States of America, and resident merchant of the said city of ——.

Sworn as above, before me, ——. In testimony whereof, and that the said goods are of the produce or manufac-
ture of the said United States of America, and that I am well informed that the said shipment is bona fide intended for the port of ——, in the kingdom of Spain, I, the said magistrate and notary, have hereunto set my hand, and affixed my notarial seal, the day and year above written.

Quod attestor.

34th Congress.] No. 100.

FRANCE.

Communicated to the Senate, May 27, 1794.

United States, May 27, 1794.

Gentlemen of the Senate:

The Executive Provisory Council of the French republic having requested me to recall Gouverneur Mor-

ris, our minister plenipotentiary in France, I have thought proper, in pursuance of that request, to recall him. I therefore nominate James Monroe, of Virginia, as minister plenipotentiary of the United States to the said republic.

G. WASHINGTON.
Gentlemen of the Senate and of the House of Representatives:

I lay before Congress the copy of a letter, with its enclosure, from the Secretary of State to the minister plenipotentiary of His Britannic Majesty; it being an answer to a letter from the minister to him, bearing date the 29th ultimo, and already communicated.

G. Washington.

Philadelphia, June 2, 1794.

3d Congress.] 1st Session.

No. 101.

GREAT BRITAIN.

COMMUNICATED TO CONGRESS, JUNE 4, 1794.

United States, 4th June 1794.

SIR: The letter which you honored me on the 29d ult. had not entered into a train of recrimination against the United States, I should not now trouble you with a return to its unpleasant topics. Among the reasons which would have induced me to add nothing to my letter of the 1st of the last month, it would have been of some weight, that, by silence, I should avoid the repetition of a style and manner, which seem to have produced a personal excitement.

As you are willing to admit the authenticity of Lord Dorchester's speech, we will, with your approbation, reserve, for a future discussion, on what occasion, and to what degree, an explanation may be required by the Government of the United States from a plenipotentiary.

I selected only one passage of that speech, because, in it, was centered the real object of the whole; which was to declare an expectation that Great Britain would be at war with the United States in the course of the present year, and, if she were, to cause the warriors to draw a line. This is the undisguised sense of the Governor General, unaffected by the preliminary words which you have not proper to quote. It is your own interpretation. For, so far are you from contradicting my assertion, that Lord Dorchester fostered and encouraged in the Indians hostile dispositions towards us, that you confine the greater part of your remaining observations to vindicate his persuasion and your own, that the principal aggression, leading to hostility, proceeded from the United States, and to suggest many others of the same tendency, upon which you would not dilate.

I shall not shrink, sir, from your charges.

1st. Notwithstanding the territory upon which certain inhabitants of Vermont are represented, in your letter of the 5th inst. you have attached to the transactions with the United States, yet, on the 9th of the same month, did my predecessor give you, as is admitted, positive assurances of the determination to discourage and repress the subject of your complaint. The necessary instructions were, accordingly, forwarded to that State. On examining your correspondence with our Department, it does not appear, that, from the 9th of July, 1792, to the 10th of March, 1794, upwards of nineteen months, our Government ever understood, from yourself or any authority of His Britannic Majesty, that the original dissatisfaction continued. Nor was any dissentient heard from that quarter through other channels, except what related to outrages upon our own citizens by British subjects. Then, indeed, thirty days after the hostile tribes of Indians had been assembled by Lord Dorchester, at Quebec, you renew your remonstrances.

Although it cannot be, by any means, believed, that this was written in order to usher in their intelligence, which soon after arrived, of his speech, yet it is difficult to account for so long an interval, under the circumstances supposed. Nor ought my answer, although delayed for fifty days, until the 5th of April, 1794, to be construed into an assent to any charge, since, at the end of that period, having been disappointed, as my letter shows, in one opportunity of information, and no other presenting itself, we were not in a capacity of contradicting your assertions. However, sir, the instructions issued in consequence of your application, conveyed positive orders for the correction of what, upon examination, should be found irregular.

Among the points to which, you intimate, that you might have adverted, is enumerated the fitting out of two privateers, at Charleston, in South Carolina. Whatever this transaction might have been, it probably occurred at the commencement of the war, and before the existence of the war was communicated to our Government, by your predecessor, Mr.头部. Had he a transaction been known to the President, in time, you would have judged, from his actual conduct, what he would then have done on that occasion, on the 22d of April, 1793; his call to the State Governors, on the 5th of the same month, to co-operate with him in the work of impartiality and peace; the system of rules which he established, and which were imparted to your prisoners: are unerring indications of the spirit of the measures on which he had directed his influence. He supersedes, in this particular case, to the ends of condemnation on captures; he restored several vessels to British owners; prosecutions have been instituted against the violators of neutrality; in a word, sir, what has been required, under the sanction of the laws of nations, which has not been fulfilled?

How many things have been spontaneously done, to evince our impartiality? Let me request you to review my predecessor's letters to you, of April 22d, May 12, June 5, August 7, 8, 22, September 5 and 12, 1793, and to say if more could be well expected from us? After such demonstrations, it might have been hoped that the equipment of these two privateers would not rise again in the shape of a change. But the letter of the 3d of June, being conceived of itself to be satisfactory, is here inserted:

"In the letter which I had the honor of writing you on the 15th of May, in answer to your several memorials of the 8th of that month, I mentioned that the President reserved for further consideration, a part of the one which related to the equipment of two privateers in the part of Charleston. The part alluded to was that wherein you express your confidence that the Executive Government of the United States would pursue measures for repressing such practices in future, and for restoring to their rightful owners any captures which such privateers might bring into the ports of the United States.

The President, after a full investigation of this subject, and the most mature consideration, has charged me to communicate to you, that the first part of this application is found to be just, and that effectual measures are taken for preventing repetitions of the act therein complained of; but that the latter part, desiring restitution of the prizes, is understood to be inconsistent with the rules which govern such cases, and would, therefore, be unjustifiable towards the other party.

The principal agents in this transaction were French citizens. Being within the United States, at the moment a war broke out between their own and another country, they determine to go in its defences; they purchase, arm, and equip a vessel, with their own money, man it themselves, receive a regular commission from their nation, depart out of the United States, and, by the 17th of April, 1793, and then commence hostilities by capturing a vessel. If, under these circumstances, the commission is not valid, by the law of war, or by the law of nations, they are agents of the privateers, and it would be an aggression on their nation, for the United States to rescue it from them, whether on the high seas, or on coming into their ports. If the commission was not valid, and consequently the property not transferred by the laws of war to the captors, then the case would have been cognizable in our courts of admiralty, and the owners might have gone thither for redress. So that on neither supposition would the Executive be justifiable in interfering.

With respect to the United States, the transaction can in no wise be imputed to them. It was in the first moment of the war, in one of their most distant ports, before measures could be provided by the Government to meet all the cases which such a state of things was to produce—impossible to have been known, and, therefore, impossible to have been prevented by that Government.

FOREIGN RELATIONS. [1794.]
The moment it was known, the most energetic orders were sent to every State and port in the Union to prevent a premature departure. The 6th of the month, upon which the President was designated, was instantly committed to prison for prosecution; one or two others have been since named, and committed in like manner; and should it appear that there were still others, no measures will be spared to bring them to justice. The President has even gone further. He has required, as a reparation of their breach of respect to the laws of the land, that such persons shall disgorge themselves.

You will see, sir, in these proceedings of the President, unequivocal proofs of the line of strict right which he means to pursue. The measures now mentioned are taken in justice to the one party; the ulterior measure of seizing and restoring the prizes is declined, in justice to the other; and the evil, thus early arrested, will be of very limited extent. Indeed, if contrary, it is the unparalleled instance of the rule of law.

As to the permission from the Governor of South Carolina, for the departure of those privateers from port, you may assure yourself of a proper inquiry; and I take the liberty of requesting any evidence which you may have of it.

3d. With so many direct proofs in your hands of the opinion constantly maintained by our Government against the doctrine of privateering, it is certain, sir, that no plan can be more improper, than before the 5th of June, 1793, should be argued from a refusal to restore them. The above recited letter of that date neither affirms nor disaffirms their validity; but declines the granting of restitution, as being inconsistent with the rules which govern in such cases. These rules are, that, if the commission be good, the capture is good; if the commission be bad, but whether it be good or bad, is not decided; it being enough to prove, by the nature of the transaction, for the reasons assigned, can in no wise be imputed to the United States. But, if captures of this kind, prior to the 5th of June, 1793, do really amount (as is conceived by some) to no very considerable value, this would, of course, dispose of the reward.

4th. The Secretary of War has undertaken to ascertain the precise state of the privateers le Petit Démocrate, and le Carmagnole, and the result will be communicated to you. In the mean time, it is a matter of some surprise, that vessels, whose single employment and profit must consist in cruising on the ocean, should have remained in the port of Newport, during the whole winter, and have been permitted to continue a freedom to sell, the next requisite to the law of nations, which was scrupulously searched by the Executive, with the pure desire of discovering truth and justice to all. Upon this, as on many other occasions, the civilians differ—Vattel declaring that a privateer commanded by the President is lawful to sell his prizes needed, if it has not been otherwise regulated by treaty; and others opposing it. In this schism among writers, it was an occasion for the President of the United States, to impose no restraint upon those sales; and to refer them, as affairs of legislation, to Congress, at the earliest moment of their session. Thus much has been observed, not as my final answer, but merely to induce an assurance that I will follow you in the main discussion, whenever you shall bring it forward in detail.

5th. Undoubtedly, sir, you have been misinformed, that the vessels of France have been permitted to depart from our ports, notwithstanding the embargo. As the history of the Executive proceedings is neither long nor entangled, it shall be frankly stated to you. As soon as the embargo was laid, expressives and advice boats were despatched to notify the officers of the customs and revenue cutters, and all others concerned in its execution. The resolution imposing it involved all foreign nations; the instructions from the President of the United States favored the French cruisers, as a warlike, while the general objects of the President were to establish New Castle, on her voyage, was stopped by an officer of the United States; and the President, adhering to perfect impartiality, could not think himself justified to gratify the minister of the French republic with a passport. Passports being kept under the special view of the President, were issued only after his examination of each case, and passports were never granted among them. If you have seen any of the Napier orders, allow me to direct your attention to an agent, who was sent to the West Indies, upon a business connected with the late captures and condemnations in various British courts of admiralty; one to a citizen, whose vessel was under trial in Bermuda, and who was anxious to forward the British instructions of the 8th of January, 1794, with a hope of rescuing her from confiscation; one to the friends of the Parners of Jamaica; twenty for the accommodation of several unpunished inhabitants of St. Domingo; and to some of whom our Government was advancing money for their support, and who could no longer endure their separation from home; one to some other persons in peculiar circumstances, desirous of returning to the West Indies. The French, after a series of other passports, without permission, the embargo has been relaxed, it was unauthorized by the President, and unlawful. The distance of Hampton Roads from this city, being more than three hundred miles, the officers of Government, resident here, could not learn at the moment what was passing there. No intelligence of an official nature, or of any real importance, has reached us from Boston, or elsewhere. If the President has required us to possess the information, I ask it as a favor of you to designate who granted the permission, and under what circumstances the French vessels left that road? An investigation, however, has been, and shall be, pursued, on our part, without delay. If the law has been violated, it shall be vindicated; but a violation of law is very remote from a permission of the Government.

6th. The uniformly unfriendly treatment, which the British officers are said to have experienced in the United States, cannot be answered until it shall be more explicitly defined. Did this treatment break forth in words or actions, not cognizable by law? If so, no complaints can be offered to Government. Or in words or actions, which were so cognizable? Our courts are free to foreigners against citizens, and independent of influence. To yourself let me appeal, that on the representations which you thought proper to lay before the President, in relation to the British consul at Baltimore, the British consul at Norfolk, and the commander of the Dextrous frigate, the necessary measures were not transmitted to another, and none returned. Nor was the Government backward in its interference in the late affair at Philadelphia. And these being the only occurrences of the kind in my knowledge, I trust that no example can be produced of Government refusing to enforce the laws, even against every such case.

7th. The events at Newport, in Rhode Island, are accurately detailed in the proceedings which I have the honor of enclosing to you. Within the limits of the present letter, I cannot do more; as it might be an useless task to detain me with my remarks, when none of them might be adapted to the animadversions which you meditate. It is enough, therefore, for me to engage, that these animadversions, whenever they shall appear, shall receive particular attention.

Although, sir, your charges against the United States are sketched only, the impressions, which may have been intended, cannot be counteracted too soon, by such extra generalizations as, at a future day, may be more minutely unfolded. By the existing conduct of the United States, one might be led to think they were desirous of alarming the world, and to be ultimately to produce a state of war? This is not the place for us to retract our complaints. But compare them with the whole of your catalogue, and say, what may our feelings be? Yet we prefer peace.

Your present direction to be more a favor to the Indians against us is without justification, as the very expulsion of Governor Simcoe without pretext.

That you have received no intelligence of such an event having actually occurred, leaves room to conjecture that you may possibly have been without intelligence of it having been designed; and that it has therefore probably taken place. But you insist that you are not for the first time informed; but that all is perfectly unknown; the place is, for our immediate purposes, adequately marked out, by being on that river. A single glance of the eye over the map proves that its source is within the limits of the United States. In its whole length it is a marked line by our territory. Its very mouth is to the southward of our line, as recognized by our treaty with His Britannic Majesty. On no part, therefore, of the rapids, can a fort be built, but within our country.
This being fixed, your argument is, that, if the fort be for the purpose of protecting subjects of His Majesty, residing in districts dependent upon the fort of Detroit, or of preventing that fortress from being straitened by the approach of the American army, the principle of sta.tus quo, until the final arrangement of the point in discussion between the two countries shall be concluded, will strictly apply.

I conceive there is no movement of a nature concerning which a treaty is opened, not being consonant with a spirit of adjustment, the principle of status quo has been generally adopted. The nearest point of the rapids to Detroit cannot be less than thirty miles. They have never been considered—they never could be considered, as appendages to Detroit. But you proceed and say, that the proposed assumption of territory may depend on a question between the two nations with respect to a point in the United States, becomes the first station from which a district, still further in, may arise, and that from this district another district may be generated, one encroachment may beget anot.her ad infinitum. It will, however, be objected, that this is not a matter of controversy, but is, how much of our territory towards the Mississippi being wholly occupied by the military establishment of Detroit at the time of the peace. I mention the military establishment, because, if any subjects of His Britannic Majesty reside beyond the line of actual possession, they are, as being within our limits, under our jurisdiction.

That prevents the fortress of Detroit from being straitened by the approach of the American army, is either a new modification of the preceding idea, or founded upon an untenable suspicion. For the question must recur, are the rapids an appendage to Detroit? Were they connected with it at the peace? If convenience, only, were to be considered, and a wide range of unsettled territory, by being divided into the momentary circumstances of one nation, is an argument for peace or for war; whether, or whether not the concession of the rapids to Detroit. If right be consulted, our right is complete. Is rea.« then our territory to be thus seized? Nay, more, sir, I am authorized to say to you, explicitly, that the American army has no instructions to straiten or annul any part of the territory. If present consent to the rapids was dictated by this consideration, it ought to be discontinued, as being without cause. I have the honor, &c.

EDM. RANDOLPH.

Mr. Hammond, Minister Plenipotentiary of His Britannic Majesty.

Sir: Providence, May 19, 1794.

Agreedly to the request of the General Assembly, I enclose you a report of the Justices of the Superior Court of this State, and of the District Judge of Rhode Island, respecting certain Americans detained on board a British vessel, and the story of war.

The moderation which accompanied the determined resolution of the Legislature in the progress of this business, with the accomplishment of the release of our fellow-citizens, gave universal satisfaction.

I also enclose an account of the supplies granted the Nauitis, that it may be known they were limited to the necessary supplies for carrying her to her destined port, and were not agreeable to our treaty with France.

I am, sir, &c.

EDMUND RANDOLPH, Esq. Secretary of State.

STATE OF RHODE ISLAND, &c. In General Assembly, May Session, A. D. 1794.

The following report was made to this Assembly, to wit:

A statement of facts in the case of the six American sailors illegally detained on board of His Britannic Majesty's ship of war the Nauitis, H. W. Baynton, commander.

On the 8th day of May, A. D. 1794, the said ship arrived in the harbor or port of Newport, in the State of Rhode Island and Providence Plantations: on the same day, the commander of said ship made application to the General Assembly of said State, then in session at said Newport, for liberty to purchase supplies of provisions for the people on board of her. The General Assembly immediately took the application into consideration, and, during the progress of that business, they were informed that there were thirteen American citizens detained on board said ship, in consideration of their consent, three of which had been pressed in the West Indies; and that great anxiety was occasioned thereby in the minds of the people. The General Assembly immediately proceeded to measures for investigating the facts: sent a message to Capt. Baynton, then on shore, requesting his attendance before them: The captain immediately attended; with his chief officers, to the General Assembly, and was questioned by the judges of the district court, to confer with said officers on the subject, to inform them of the information they had received, of the unreasonableness thereof, and of their expectation that, if there were any American citizens on board their ship, they might be immediately released; and if not released, to demand the ship, and the discharge of the American so detained. The judges accordingly met the said officers in the council chamber where the said officers, with the British vice consul, Mr. Moore, who attended them, were waiting, upon the request of the General Assembly. The judges informed them of the information which had been obtained, in order to satisfy themselves of the facts. The captain declared there were none on board of that description, at least within his knowledge, and so declared the lieutenant; that he did not choose to take such seamen on board; that he had never pressed such; and requested their names. The judges told him they were not able to give their names: he appeared altogether to doubt the fact; herewith, John Carr, gunner of the said ship, was called upon, who, on solemn oath, declared, that he informed one of the ship's large men if there were any Americans on board of said ship, who answered that there were thirteen, ten of which had voluntarily entered on board, and that the three others had been pressed. The captain still appeared to disbelieve the matter: it was then proposed to him, that he might satisfy himself and the authority, by permitting a gentleman or two, with himself or lieutenant, to go on board, and there to make the necessary inquiry, that if there should be American citizens on board, it was presumed he would not hesitate to discharge them; if there were none, the public mind would be at ease, and mutual confidence would be restored. He agreed to the proposition, and the three cases of men, first an American consul, viz.: the ship to be searched, he withdrew his assent, and declared he would by no means consent to the proposition. Much argument was used to convince him of the propriety of it, or that he ought to point out some way to come to the truth, but to no purpose; he thought his word sufficient. It was observed to him that it was impossible he could believe to the satisfaction of the themselves or of their own people, and it was not probable he could be certain of the fact. He said he would not say so positively, but he was very confident there were none such, and that the information was groundless. It was observed to him, he must be sensible that that kind of argument would give no satis-factory answer to the question: he was rather disposed to look towards him with the utmost candor, and that he would exhibit the same; it was highly reasonable that the authority should be satisfied; it was presumed that the British Government would, under a like occasion, show the same solicitude for the relief of their subjects, and were possessed of sufficient spirit to obtain entire satisfaction; the propriety of it, would be expected he would be entitled to the necessity? But it was still wished he would be induced to obviate that necessity by a ready compliance with the proposition, or by proposing something equally satisfactory. He replied he could do nothing further, was surprised at being thus called upon this business, asked if he was a prisoner, and if he was to be going out of the room: it was said he was not; but to remain to consider the matter. He then consented to have the ship searched, and to be present at the time. He was permitted to leave the room to the officers with the caution, that, as much had been said, he might further deliberate on the matter, and consult what might conduci most to a fair and just settlement of the business. This was refused; and the captain and his lieutenant both, against the advice of the judges, burst out of the room, but instantly returned, declaring they were stopped by the people in the lobby, who were there in great numbers, and they were under apprehensions of danger. The lieutenant said he was kicked;
it was asked him with earnestness, "was you kicked?" he said "no, but what was next to it, he was jaw'd up:" they were desired to be composed, and to sit down; that it was wished they had taken advice for while with the judges they should be protected. The captain again declared he could not comply with the proposal made, or give further satisfaction than he had, as to the Americans said to be on board his ship. Information was then given to the General Assembly of the proceedings thus far, when they passed the following resolution:

Lower House of Assembly,
May 8, 1794.

Whereas complaint hath been made to this Assembly that sundry citizens of the United States are illegally detained on board of a certain sloop of war, called the Nautilus, belonging unto His Britannic Majesty, commanded by H. W. Baynton, now riding at anchor in the road of Newport within this State: It is hereby voted and resolved, that the said Captain H. W. Baynton, and the lieutenant of said sloop of war, who are now on shore, remain there until investigation of the subject of said complaint be made, and the judicial authority of this State and district, To effect which purpose, it is further voted and resolved, That, on condition the said H. W. Baynton consent thereto, Messrs. Henry Sherburne, John L. Boss, Samuel Wardwell, Christopher Ellery, and William Davis, be a committee from this Assembly, to go on board the said sloop of war, with Mr. Thomas W. Moore, vice consul of His Britannic Majesty for the district of Rhode Island, and request of the commanding officer now on board said sloop of war, an examination of the crew thereof, and report to the judicial authority of this State and district, the names of any citizens of the said United States there detained as aforesaid: and that the said judicial authority take examination of the birth and residence of such citizens, and enlarge those who, on such examination, are found to be citizens of any of the said United States.

Voted, &c. SAMUEL EDDY, Clerk.

In the Upper House.

Read the same day and concurred.

By order:
HENRY WARD, Secretary.

The officers were informed of this resolution, and a conversation more cool and candid soon after took place; and the captain agreed that the gentlemen mentioned in the foregoing act of the General Assembly might go on board his ship. The captain agreed to go with them, and the captain sent a letter (which he first showed to the judges, to the commanding officer on board, directing him to give those gentlemen all the satisfaction in his power, as to there being any Americans on board. Those gentlemen proceeded on board, and were received with the utmost politeness; the books and lists of the men were shown, the people called upon to declare whether there were then any Americans unwilling to remain on board; six appeared, as by the following copy, taken by the committee, from the shipping book itself, and by their own declaration, to be Americans:

John M'CCarthy, Martha's Vineyard, entry June 27, 1793.
John Johnson, Charleston, South Carolina, entry December 17, 1793.
Nicholas Martin, Boston, entry February 16, 1794.
Anthony Dwyer, Georgetown, South Carolina, entry June 14, 1793.
William Brown, Portsmouth, Virginia, entry December 2, 1793.
William Denning, New City, New York, entry April, 1794.

N. B. The entries appeared to be made by some officer of the ship, and no signature of the sailors.

The above is a true copy of the extract from the books of the sloop Nautilus, belonging to His Britannic Majesty, now riding in the harbor of Newport, by the subscribers, who were appointed by the Honorable General Assembly of the State of Rhode Island and Providence Plantations, a committee, for the purpose of determining the number of Americans on board said sloop, and which was reported on the 8th day of May, in the year of our Lord one thousand seven hundred and ninety-four, to the said honorable body, by

HENRY SHERBUNER,
JOHN L. BOSS,
SAMUEL WARDWELL,
CHRISTOPHER ELLERY,
WILLIAM DAVIS.

The captain immediately declared that he was surprised; that four of them he now believed were Americans, but he was, however, willing the six should be brought on shore; and as many as were Americans he would immediately discharge. His large boat went again on board with his written orders, as follows:

"DEAR MR. PINNARIENTY:

Send the six men on shore to be examined, immediately.

Yours, &c.

John M'Carty,
Nicholas Martin.
John Johnson,
Anthony Dwyer.

Mr. Thomas to come on shore to take care of the boat, and not leave her."

The six sailors were soon brought on shore; the officers were convinced that they were all Americans, and the captain agreed that they might go where they pleased; and that, in the morning, he would send their clothing on shore, give them written discharges, and certificates for their wages; and the consul freely offered to take them, and give the sailors the money for them: whereupon entire good humor appeared fully restored, and the officers, with the consul, retired. In the morning the captain sent an officer on shore, who fully completed the business, agreeably to the captain's agreement.

The certificates were in the following form:

These are to certify the honorable the principal officers and commissioners of His Majesty's navy, that Samuel Brown served as able seaman on board His Majesty's sloop Nautilus, under my command, from the 2d day of December, 1793, to the date hereof, when he was discharged—he being a subject of the United States of America; and the sum of one thousand pounds eleven shillings and eight pence, Navy slops, Beds, Tobacco, £1 19 10
0 12 6
0 6 4

£2 18 8

Wages due, £3 2 8

Given under my hand, on board the said sloop, at Newport, Rhode Island, the 9th day of May, 1794.

H. W. BAYNONT.
The whole amount of the wages due to the sailors, as adjusted by the captain, and agreed to by the sailors, was £39 9s. 1d. sterling.

The foregoing statement, made by the request of the General Assembly, is humbly submitted by the judges of the superior court, and the judge of the district court.

HENRY MARCHANT,
Judge of the District Court in and for Rhode Island district.

DANIEL OWEH,
Chief Judge Superior Court.

WILLIAM TAGGART,
Judge of the Superior Court.

WALTER COOK,
Judge of the Superior Court.

JOSHUA BICKNALL,
THOMAS TILLINGHAST.

NEWPORT, May 10, 1794.

On due consideration whereof,
_It is voted and resolved_, That the foregoing report be, and the same is hereby, accepted; and that his Excellency the Governor be requested to transmit a copy thereof to the Secretary of State of the United States, as soon as may be.

A true copy. Witness, HENRY WARD, Secretary.

STATE OF RHODE ISLAND, &c. In General Assembly, May Session, A. D. 1794.

Upon the application of H. W. Baynton, commander of the British sloop of war the Nautilus, for permission to purchase the necessary supplies to enable him to proceed to the port to which he is bound,

_It is voted and resolved_, That his Excellency the Governor cause the said ship to be supplied with four or five thousand pounds of bread, five hundred and sixty pounds of fresh beef and veal, and one hundred and fifty pair of shoes, with such precautions, and under such directions, as he shall think proper.

A true copy. Witness, HENRY WARD, Secretary.

3d CONGRESS.] No. 102. [1st Session.

FRANCE.

REPORTED TO THE SENATE, JUNE 6, 1794.

Mr. King, from the committee to which was referred the bill, entitled "An act providing for the payment of a certain sum of money due to the French republic," submitted the following report:

It appears by a statement of the account between the United States and France, reported to the House of Representatives, that, according to the view which is entertained at the treasury of that account, the United States, on the 1st day of January, 1794, were in advance to France the sum of two millions one hundred and eleven thousand and eighty-six livres tournois and five deniers, (being three hundred and eighty-three thousand one hundred and sixty-two dollars and thirteen cents) beyond the instalments of principal, and all interest which had accrued to that period.

It further appears, upon inquiry at the treasury, that, since that period, there has been advanced, on account of our debt to France, the further sum of seventy-one thousand two hundred and forty-two dollars and eighty-one cents.

And it appears, likewise, from the papers referred to the committee, that the President has promised further payments upon the same account, of one million five hundred thousand livres, on the 3d of September next, and of one million of livres on the 5th of November next, making together four hundred and fifty-three thousand seven hundred and fifty dollars; which payments, it is understood, may be anticipated at the Bank of the United States, in the proportions and at the epochs which are desired by the minister of the French republic.

These sums embrace all the parts of principal which by contract would become payable to France during the year 1794, beyond which, were there no anticipations, nothing would be demandable during the present year, but the interest on the balance of the entire debt, which balance, on the 1st day of January, 1794, is computed at the treasury at two millions six hundred and eleven thousand five hundred and eighty-seven dollars and eighty-eight cents; whence it results, that the payments which have been made, and engaged to be made, exceed those which, by the terms of contract, could be demanded.

This being the case, and the loan in question having been in its origin specifically appropriated to the purpose of the sinking fund, it is the opinion of the committee that it is not advisable to divert it from its destination, as is proposed by the bill referred to them, and consequently, that the bill should not pass.
Gentlemen of the Senate:

In the negotiation between the United States and his Catholic Majesty, I have received satisfactory proofs of attention and ability, exerted in behalf of the United States, to bring it to a happy and speedy issue. But it is probable that, by complying with an intimation made to the Secretary of State by the commissioners of His Catholic Majesty, much further delay in concluding it may be prevented. Notwithstanding, therefore, I retain full confidence in my minister resident at Madrid, who is charged with powers as commissioner plenipotentiary, I nominate Thomas Pinckney to be envoy extraordinary of the United States to his Catholic Majesty, for the purpose of negotiating, of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of their territories, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require should be precisely adjusted and regulated, and of and concerning the general commerce between the said United States and the kingdoms and dominions of his said Catholic Majesty.

It is believed that, by his temporary absence from London, in the discharge of these new functions, no injury will arise to the United States.

G. WASHINGTON.

RELATIONS WITH FRANCE, SPAIN, PORTUGAL, MOROCCO, AND ALGIERS.

Gentlemen of the Senate and of the House of Representatives:

In my first communication to Congress, during their present session, I gave them reason to expect that "certain circumstances of our intercourse with foreign nations" would be transmitted to them. There was at that time every assurance for believing that some of the most important of our foreign affairs would have been concluded, and others considerably matured, before they should rise. But, notwithstanding I have waited until this moment, it has so happened that, either from causes unknown to me, or from events which could not be controlled, I am yet unable to execute my original intention. That I may, however, fulfill the expectation given, as far as the actual situation of things will, in my judgment, permit, I now, in confidence, lay before Congress the following general statement:

Our minister near the French republic has urged compensation for the injuries which our commerce has sustained from captures by French cruisers, from the nonfulfillment of the contracts of the agents of that republic with our citizens, and from the embargo at Bordeaux. He has also pressed an allowance for the money voted by Congress for relieving the inhabitants of St. Domingo. It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two republics, and that those claims are in a train of being discussed with candor, and of being amicably adjusted.

So much of our relation to Great Britain may depend upon the result of our late negotiations in London, that, until that result shall arrive, I cannot undertake to make any communication upon this subject.

After the negotiation with Spain had been long depending, unusual and unexpected embarrassments were raised to interrupt its progress. But the commissioner of His Catholic Majesty near the United States having declared to the Secretary of State, that, if a particular accommodation should be made in the conducting of the business, no further delay would cause, I thought proper, under all circumstances, to send to His Catholic Majesty an envoy extraordinary, specially charged to bring to a conclusion the discussions which have been formerly announced to Congress.

The friendship of Her Most Faithful Majesty has been often manifested in checking the passage of the Algerine corsairs into the Atlantic Ocean. She has also furnished occasional convoys to the vessels of the United States, even when bound to other ports than her own. We may, therefore, promise ourselves, that as, in the ordinary course of things, few causes can exist for dissatisfaction between the United States and Portugal, so the temper with which accidental difficulties will be met on each side will speedily remove them.

Between the Executive of the United States and the Government of the United Netherlands but little intercourse has taken place during the last year. It may be acceptable to Congress to learn that our credit in Holland is represented as standing upon the most respectable footing.

Upon the death of the late Emperor of Morocco, an agent was despatched to renew with his successor the treaty which the United States had made with him. The agent unfortunately died, after he had reached Europe, in the prosecution of his mission. But, until lately, it was impossible to determine, with any degree of probability, who of the competitors for that empire would be ultimately fixed in the supreme power. Although the measures which have been since adopted for the renewal of the treaty have been obstructed by the disturbed situation of Amsterdam, there are good grounds for presuming, as yet, upon the pacific disposition of the Emperor in fact towards the United States, and that the past injustice will be shortly remedied.

Congress are already acquainted with the failure of the lean attempted in Holland for the relief of our unhappy fellow-citizens in Algiers. This subject, than which none deserves a more affectionate zeal, has constantly commanded my best exertions. I am happy, therefore, in being able to say, that, from the last authentic accounts, the Dey was disposed to treat for a peace and ransom, and that both would in all probability have been accomplished, had we not been disappointed in the means. Nothing which depends upon the Executive shall be left undone, for carrying into immediate effect the supplementary act of Congress.

G. WASHINGTON.
FOREIGN RELATIONS.

3d Congress.

No. 105.

BARBARY STATES.

COMMUNICATED TO CONGRESS, MARCH 2, 1795.

United States, March 2d, 1795.

Gentlemen of the Senate and of the House of Representatives:

It appears from the information which I have lately received, that it may be probably necessary to the more successful conduct of our affairs on the coast of Barbary, that one consul should reside in Morocco, another in Algiers, and a third in Tunis, or Tripoli. As no appointment for these offices will be accepted without some document annexed, I submit to the consideration of Congress whether it may not be advisable to authorize a stipend to be allowed to two consuls for that coast, in addition to the one already existing.

G. WASHINGTON.

3d Congress.

No. 106.

GREAT BRITAIN.

COMMUNICATED TO THE SENATE, JUNE 8, 1795.

United States, June 8th, 1795.

Gentlemen of the Senate:

In pursuance of my nomination of John Jay, as Envoy Extraordinary to His Britannic Majesty, on the 16th day of April, 1794, and of the advice and consent of the Senate thereto, on the 19th, a negotiation was opened in London. On the 7th of March, 1795, the treaty resulting therefrom was delivered to the Secretary of State. I now transmit to the Senate that treaty, and other documents connected with it. They will, therefore, in their wisdom decide whether they will advise and consent that the said treaty be made between the United States and His Britannic Majesty.

G. WASHINGTON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To John Jay, greeting:

Reposing especial trust and confidence in your integrity, prudence, and ability, I have nominated, and, by and with the advice and consent of the Senate, do appoint, you, the said John Jay, Envoy Extraordinary from the United States of America to the Court of His Britannic Majesty, authorizing you hereby to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, the nineteenth day of April, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

By the President:

EDM. RANDOLPH, Secretary of State.

GREAT AND GOOD FRIEND:

Being desirous of confirming, between your Majesty and the United States of America, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction by a friendly discussion, I have made choice of John Jay, Chief Justice of the United States, to repair to your Majesty, in the quality of their Envoy Extraordinary. From a knowledge of his fidelity, probity, and good conduct, I have entire confidence that he will render himself acceptable to your Majesty, and will contribute, to the utmost of his power, to preserve and advance, on all occasions, the interest and happiness of the two nations. I beseech your Majesty, therefore, to give full confidence to whatever he shall say to you on the part of the United States, and, most of all, when he shall assure you of their friendship and wishes for your prosperity. And I pray God to have your Majesty in his safe and holy keeping.

Written at Philadelphia, this fifth day of May, in the year of our Lord 1794.

By the President:

EDM. RANDOLPH, Secretary of State.

MADAM OUR GOOD FRIEND:

I have named John Jay, Chief Justice of the United States of America, Envoy Extraordinary to your royal consort. My knowledge of his good qualities gives me full confidence that he will so conduct himself as to merit your esteem. I pray, therefore, that you yield entire credence to the assurances which he will bear to you of our friendship and that God may always have you, madam, our good friend, in his holy keeping.

Written at Philadelphia, this sixth day of May, in the year of our Lord 1794.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, Secretary of State.
GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority; as also a general and special command, at the court of his said Majesty, for, and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of his said Majesty, being furnished with sufficient authority; whether singly and separately, or collectively and jointly; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, whether the same respect the inexecution or infrack of the armistice declaring a cessation of hostilities between the United States and His Britannic Majesty, at Versailles, on the 20th day of January, 1783, or the definitive treaty of peace made between the United States and his said Majesty, on the 3d day of September, 1783, or the instructions of His said Majesty to his ships of war and privateers, of whatsoever date, but especially on the 8th of June, 1783, the 6th of November, 1783, and the 8th of January, 1794; or restitution or compensation in the cases of capture or seizure, or of the property of the citizens of the United States, by the said ships of war and privateers; or retribution for the injuries received therefrom, by any citizen of the United States; and, also, of and concerning the general commerce between the United States and the kingdoms and dominions of His Britannic Majesty, whatsoever they may be; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States of America, for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

By the President:

EDM. RANDOLPH, Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority; as also a general and special command, at the court of his said Majesty, for, and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of his said Majesty, being furnished with sufficient authority; whether singly and separately, or collectively and jointly; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the inexecution or infrack of the armistice declaring a cessation of hostilities between the United States and His Britannic Majesty and His Britannic Majesty at Versailles, on the 20th day of January, 1783, or the definitive treaty of peace made between the United States and his said Majesty, on the 3d day of September, 1783; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

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EDM. RANDOLPH, Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Britannic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said John Jay, Envoy Extraordinary of the United States to His Britannic Majesty, hereby giving and granting to him full and all manner of power and authority; and also a general and special command at the court of his said Majesty, for, and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of his said Majesty, being furnished with sufficient authority; whether singly and separately, or collectively and jointly; and with them to agree, treat, consult, and negotiate, of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the inexecution or infrack of the armistice declaring a cessation of hostilities between the United States and His Britannic Majesty and His Britannic Majesty at Versailles, on the 20th day of January, 1783, or the definitive treaty of peace made between the United States and his said Majesty, on the 3d day of September, 1783; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States of America the eighteenth.

By the President:

EDM. RANDOLPH, Secretary of State.
GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all whom these presents shall concern, greeting:

KNOW YE, That, reposing special trust and confidence in the integrity, prudence, and abilities of John Jay, Chief Justice of the United States, I have nominated, and, by and with the advice and consent of the Senate, have appointed him Extraordinary Minister and Plenipotentiary to the United States to His Britannic Majesty hereby giving him full power and authority for, and in the name, style, and character of the United States, to treat with the said Majesties, and with any person or persons duly authorized by his said Majesty, of and concerning the general commerce between the said United States and the kingdoms and dominions of his said Majesty, wheresoever they may be; and to conclude and sign a treaty or treaties, convention or conventions, thereunto transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this sixth day of May, one thousand seven hundred and ninety-four, and of the independence of the United States the eighteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH, Secretary of State.

Instructions to Mr. Jay.

Philadelphia, May 6, 1794.

SIR:—The mission upon which you are about to enter, as envoy extraordinary to the court of London, has been dictated by considerations of an interesting and pressing nature.

You will doubtless avail yourself of the opportunity to convince Mr. Pinckney, our minister in ordinary there, of the necessity of this measure, and will thus prevent any wound to his sensibility. He may be assured that it is the impression, which will naturally accompany this demonstration of the public sentiment, and not the slightest abatement of confidence in him, which has recommended a special appointment; nor will any of his usual functions be suspended, except so far as they may be embraced in the present establishment.

It would be unnecessary to add, for the sake of manifesting this fact, and removing difficulties which may arise in your own breast, that you will communicate with him without reserve.

It is well known that, throughout the whole negotiation, you will make the following its general objects: To keep alive in the mind of the British minister that opinion which the solemnity of a special mission must naturally inspire, of the strong agitation excited in the people of the United States, by the disturbed condition of things between them and Great Britain; to repel, for which we are not disposed, and into which the necessity of perfecting, out of our property, which can peacefully be restored on war, from carrying with them the British nation; and, at the same time, to assert, with dignity and firmness, our rights, and our title to reparation for past injuries.

One of the causes of your mission being the vexations and spoliations committed on our commerce by the authority of the British Government, you will receive from the Secretary of State the following documents: viz, the instructions of the 8th of June, 1793, 6th of November, 1793, and 8th of January, 1794; the Secretary of State's letter to Mr. Pinckney, on the 7th of September, 1793; Mr. Hammond's letter to the Secretary of State, on the 10th of September, 1793; Mr. Pinckney's note and memorial to Lord Grenville; Mr. Hammond's second letter to the Secretary of State, on the 11th of April, 1791; the Secretary of State's answer on the 1st Inst., a list and sketch of the cases upon which complaints have been made to our Government; and the instructions given to N. C. Higgenson, who has been lately sent as agent to the British Islands in the West Indies.

These several papers develop the source of our discontent on this head; the representations which have been offered; the answers which have been rendered; and the situation of the business at this moment.

You will perceive that one of the principles, upon which compensation is demanded for the injuries under the instructions of the 8th of June, 1793, is, that provisions, except in the instance of a siege, blockade, or investment, are only to be considered as incidents of a country remote as the United States are from Europe and its troubles, it will be of infinite advantage to obtain the establishment of this doctrine.

Upon the instructions of the 6th of November, 1793, Mr. Pinckney has made a representation, and perhaps a memorial, to the Lord of the Admiralty of England until the 26th, the 27th, and the 30th of November, 1793, in consequence of a private notification of them, a considerable number of new privatists were fitted out; the terms of "legal adjudications," in the cases of the United States, being that of the 21st of January, 1793, was most probably intended to be construed away or not, according to events; and many vessels have been condemned under them.

Compensation for all the injuries sustained, and captures, will be strenuously pressed by you. The documents which the agent in the West Indies is directed to transmit to London will place these matters in the proper legal train, to be heard on appeal. It cannot be doubted that the British ministry will insist that, before we complain to them, their tribunals, in the last resort, must have refused justice. This is true in general; but peculiarities distinguish the present from past cases. Where the error complained of consists solely in the misapplication of the law, it may be corrected by a superior court; but where the error consists in the law itself, it can be corrected only by the law maker, who, in this instance, was the King, or it must be compensated by the Government. The principle, therefore, may be discussed and settled without delay; and, even if you should be told to wait until the result of the appeals shall appear, it may be safely said to be almost certain that one judgment in the West Indies will be confirmed; and this will be sufficiently to bring the principle in question with the British ministry.

Should the principle be adjusted, as we wish and have a right to expect, it may be advisable to employ some person to examine the proper offices in London, for such vessels as may have been originally tried or appealed upon, and finally condemned. You will also reserve an opportunity for new claims, of which we may all be ignorant for the present, but which we should be resolved to examine and put in the United States in British courts. As far as the negligence of the British Government in the matter of the commissions and the non-payment of the rewards due to them may be attended to, by demanding compensation for the agricultural produce of the negroes, you will be able to show, in the British courts, which are of a superior, to what extent the violation of the law has been committed.

Whatever matters shall be brought to such a point as that nothing remains for settlement but the items of compensation, this may be entrusted to our skillful and confidential agent whom you may appoint.

You will mention, with due stress, the general irritation of the United States in consequence of the vexations, spoliations, captures, &c. And being on the field of negotiation you will be more able to judge, than can be prescribed now, how far you can state the difficulty which may occur in restraining the violence of some of our 가능한 citizens.

If the British Government could predict the success of your mission, in the United States, the British ministry, as warranting the whole or any part of these instructions, you will stop the progress of this subject, as being irrelevent to the question in hand. It is a circumstance which the British nation have no right to object to us; because we are free in our actions, and independent in our government. But it may be safely answered, upon the authority of the correspondence between the Secretary of State and Mr. Hammond, that our neutrality has been scrupulously observed.

The second cause of your mission, but not inferior in dignity to the preceding, though subsequent in order, is to draw to a conclusion all points of difference between the United States and Great Britain, concerning the treaty of peace.

You will therefore be furnished with copies of the negotiation upon the inexcusable and infractions of that treaty, and will resume that business. Except in this negotiation, you have been personally conversant with the whole of
the transactions connected with the treaty of peace. You were a minister at its formation, the Secretary of Foreign Affairs when the sentiments of the Congress, under the confederation, were announced through your office; and as Chief Justice you have been witness to what has passed in our courts, and know the real state of our laws, with respect to British debts. It will be superfluous, therefore, to add more to you, than to express a wish that these debts, and all others occasioned by the war, may be paid at once, and to express also a wish that everyourt which you cannot distinguish, being certainly of a judicial nature, to be decided by our courts; and if this cannot be accomplished, that you support the doctrines of Government with arguments proper for the occasion, and with that attention to your former public station, which will always actuate you without relaxing the pretensions which have been hitherto maintained.

In this negotiation as to the treaty of peace, we have been amused by transferring the discussions concerning its inelegance and infractions from one side of the Atlantic to the other. In the mean time, one of the consequences of holding the posts has been much bloodshed on our frontiers by the Indians, and much expense. The British Government has avowed, in a public communication, that they have, without allowing the British agents to have satisfaction, or to satisfy the Indian tribes, who would not listen to them. But we have satisfactory proofs, (of some which, however, cannot, as you will discover, be well used in public) that British agents are guilty of stirring up, and assisting with arms, ammunition, and warlike implements, the different tribes of Indians against us. It is incumbent upon that Government to restrain those agents; or the forbearance to restrain them cannot be considered as a determination, or as a determination to counsele them. It is a principle from which the United States will not easily depart, either in their conduct towards other nations, or what they expect from them, that the Indians dwelling within the territories of one shall not be intermixed with by the other.

It may be observed here, as comprehending both of the foregoing points, that the United States testify their sincere love of peace, by being nearly in a state of war, and yet anxious to obviate absolute war by friendly advances; and if the desire of Great Britain to be in harmony with the United States be equally sincere, she will readily discover what kind of sensations will at length arise, when their trade is plundered; their resources wasted in an impolitic manner; and the United States are at the same time those of Great Britain enforced in our courts. But you will consider the inelegance and infraction of the treaty as standing on distinct grounds from the vexations and spoliations: so that no adjustment of the former is to be influenced by the latter.

II. It is referred to your discretion whether, in case the two preceding points should be so accommodated as to promise the continuance of tranquillity between the United States and Great Britain, the subject of a commercial treaty may not be listened to by you, or even broken to the British minister. If it should, let these be the general objects:

1st. Reciprocity in navigation, particularly to the West Indies and even to the East Indies.
2d. The admission of wheat, fish, salt meat, and other great staples, upon the same footing with the admission of the great British staples in our ports.
3d. Free ships to make free goods.
4th. Security for the safety of neutral commerce in other respects; and particularly,
   By declaring provisions never to be contraband, except in the strongest possible case, as the blockade of a port, or, if attainable, by abolishing contraband altogether;
   By protecting our neutral commerce in some degree, as it is defined in the armed neutrality;
   By respecting the opportunities of vaxation in visiting vessels;' and
   By bringing under stricter management privateers; and expediting recoveries against them for misconduct.
5th. Exemption of emigrants, and particularly manufacturers, from restraint.
6th. The exclusion of the terms "the most favored nation," as being productive of embarrassment.
7th. The convey of merchant ships by the public ships of war, where it shall be necessary, and they being the same.
8th. It is anxiously to be desired, that the fishing grounds now engrossed by the British should be opened to the citizens of the United States.
9th. The intercourse with England makes it necessary that the disabilities, arising from alienage in cases of inheritance, be abolished, or, at least, that the laws which make alienage except in the case of a title by descent be abolished.
10th. You may discuss the sale of prizes in our ports while we are neutral; and this perhaps may be added to the considerations which we have to give, besides those of reciprocity.
11th. Proper shelter, defence, and succor, against pirates, shipwreck, &c.
12th. Security for the retiring of the citizens of the United States from the British dominions, in case a war should break out.
13th. No private commissions to be taken out by the subjects of the one, or citizens of the other party, against each other.
14th. No public commissions to be admitted in Europe, the West and East Indies.
15th. In case of an Indian war, none but the usual supplies in peace shall be furnished.
16th. In peace, no troops to be kept within a limited distance from the Lakes.
17th. No invasion whatever is to interfere with our obligations to France.
18th. A treaty is not to continue beyond fifteen years.

IV. This presentation generally gives the objects which it is desirable to comprise in a commercial treaty; not that it is expected that one can be effected with so great a latitude of advantages:

If to the actual footing of our commerce and navigation in the British European dominions could be added the privilege of carrying directly from the United States to British Dominions, in our own bottoms generally, or of certain enumerated articles, besides the articles which, by the act of Parliament, 29 Geo. III. c. 6, may be carried by British bottoms, and of bringing from thence, directly to the United States, in our bottoms, of like description, the articles which, by the same act, may be brought from thence to the United States in British bottoms, this would afford an ample basis of treaty for a term not exceeding fifteen years; and it would be advisable to conclude a treaty upon that basis. But such a treaty, instead of the usual clause concerning ratification, must contain the following: "This treaty shall be obligatory and conclusive, when the same shall be ratified by his Britannic Majesty the one part, and by the President of the United States, by and with the advice and consent of the Senate, of the other."

But if a treaty of commerce cannot be formed upon a basis as advantageous as this, you are not to conclude or sign any such; it being conceived that it would not be expedient to do any thing more than to digest with the British ministers the principles of such a treaty as they appear willing to accede to referring them here for consideration and further instruction previous to a formal conclusion.

Some of the other points, which it would be interesting to comprehend in a treaty, may not be attended with difficulty. The principle of such a treaty as they appear willing to accede to, is the freedom of our commodities and manufactures, generally, into the British European dominions, upon a footing equally good with the same commodities going to other foreign countries. At present, certain enumerated articles only are admitted; and though the enumeration embraces all the articles which it is of present consequence to us to be able to export to those dominions, yet in process of time an extension of the objects may become of moment.

The British ministers, the British East Indies Company, by toleration of the company's government, if any arrangement can be made, with the consent of the company, for that purpose, would be also a valuable ingredient.

V. There will be no difficulty in gaining access to the ministers of Russia, Denmark, and Sweden, at the court of London. The principles of the armed neutrality would abundantly cover our neutral rights. If they be disposed to enter into a stipulation of things with respect to Great Britain which should dictate the necessity of taking the precaution of foreign cooperation upon this head; if no prospect of accommodation should be thwarted by the danger of such a measure being known to the British court; and if an entire view of all our political relations shall, in your judgment, permit the step, you will sound those ministers of a probability with their nations to support these principles.
FOREIGN RELATIONS.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 27, 1794.

SIR:—The embargo ceased the day before yesterday; and the William Penn, being the first ship from this port destined to London, will bear my despatches.

It was not to demonstrate our anxiety for the success of your mission, it would be scarcely worth mentioning a circumstance which you will doubtless have ascertained before that part of your instructions relative to Sweden is executed. But it is to show the countenance we have given to the most earnest solicitations, not only of the Dutch, but those of the British minister, at his request, at our urgent desire and with the consent of the Government of France, which, with the three other special, in order that you may be prepared to exhibit your authority altogether, or by detachment, as may be most convenient. Copies of Lord Dorchester's speech to the Indians, the authenticity of which, though not absolutely ascertained, is believed; and of certain affidavits respecting the British interference with our Indians; and a cipher. Your expenses will be paid, together with the allowance of thirteen hundred and fifty dollars per annum for a Secretary.

On your return, you will be pleased to deliver into the Secretary of State's office, such papers as you may possess of importance sufficient to be filed there; and will prepare a general report of all your transactions.

Not doubting you will effectually use the means in your power, I assure you, and salutary, and upon any interesting occasion which may demand it. For the latter of these purposes, you will avail yourself of Mr. Pinckney's ciphers.

You are too well acquainted with the nature of the great functions which you are called to execute, to render it necessary for me to add the earnest wish of the President of the United States that your communications to the Secretary of State should be frequent and full; and that you should correspond with us upon any interesting occasion which may demand it. For the latter of these purposes, you will avail yourself of Mr. Pinckney's ciphers.

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EMMUND RANDOLPH, Secretary of State.
GREAT BRITAIN.

1795.

while, I enclose to you the proceedings at Newport, in Rhode Island, which involve too much delicacy to be delayed in the communication. But all these events, proceeding, as they do, from a state of inflammation, which the British Government has it in their power to extinguish, manifest the necessity of an immediate adjustment of our disputes.

To prove that we do not suffer the French to take any liberty, not consistent with their duty to us, as neutrals, I beg leave to refer to the publications of our measures in Kentucky, South Carolina, and Georgia.

We take it for granted that the nature of the subject, the opinions expressed to the President, the instructions which were delivered to you, and, indeed, your own judgment and inclination, rendered it unnecessary to use any very pointed prohibition of a surrender of the posts, or any part of our territory, to Great Britain, upon any consideration. The interesting magnitude of the business will, therefore, be my apology for mentioning the decided and irrevocable sense of the President, relative to this affair.

You will be pleased to communicate this letter to Mr. Pinckney; and to be assured that I am, sir, with truth and sincerity, your obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 29, 1794.

It will be out of my power to send, by the William Penn, any other of the documents, mentioned in my letter of yesterday, than those which relate to the British spoliations; (in a box) copies from the War Office, respecting Lord Dorchester's and Governor Simcoe's movements; copies of Mr. Hammond's correspondence with me upon this subject; and copies of what has been published by the House of Representatives concerning the expeditions meditated against the Spanish dominions. The other papers will be expedited by the George Barclay, which will sail to-morrow for London.

I have the honor, sir, to be, with sincere respect, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, May 29, 1794.

The remaining papers, referred to in the letter which I had the honor of writing to you yesterday, are here enclosed, according to the list. From No. 1 to No. 25, inclusive, you will find an explication of what relates to the British consul at Baltimore, the British consul at Norfolk, Sir C. H. Knowles, and the Bermudian privateer. From No. 26 to No. 39, inclusive, the affair of the Swift Packet, and the supposed insult to the British officers, are stated. No. 36 contains the despatches against the State of Rhode Island. No. 37 is no further important than to show the sense of Mr. Hammond, while he was in good temper, of the actual civility of our conduct towards him.

I forward by this conveyance, to Mr. Pinckney, some papers relative to a claim of Maryland, for stock in the Bank of England. That State conceives this matter to have been sacrificed by some decree of the Chanceller of Great Britain from forensic jurisdiction, and to be now converted into a diplomatic question. How far this may be the case, I pretend not to determine; but should it be so, and effectual aid can be given to Mr. Pinckney by your intervention, or it can be reasonably mixed with your mission, the President wishes you to take the subject up.

In the box sent yesterday, are my letters, newspapers, and the publications respecting Lord Dorchester's speech, Governor Simcoe's movements, and the expeditions meditated against the Spanish dominions. The publications are now repeated to Mr. Pinckney.

I have the honor, sir, to be, with great and sincere respect, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, June 8, 1794.

I do myself the honor of referring you to my letters of the 27th, 28th, and 29th of the last month, and the papers forwarded with them. By the Atlantic, from this port, will go another bundle of spoliations, according to the list sent, and my answer to Mr. Hammond's letter of the 32d ultimo.

We have not yet received any very authentic documents from Martinique but, if we are to believe a report, which circulates here upon good foundation, the system of plunder, persecution, and cruelty, adopted by Admiral Jervis, after acquiring possession of the island, is unknown in the history of any warfare towards a neutral nation. It is said that, before a vessel could be claimed by the citizens of the United States in the court of admiralty, the captain was obliged to give security to the amount of sixty johannes to answer the costs; that, condemnation being general, this sum was an addition to their loss; that prison-ships are open for the reception of the Americans and that multitudes are crowded in them. So much depends upon your mission, that, if it should be unsuccessful, contrary to the wish of your friends, and the friends to peace, I know not how the general irritation can be checked.

I have the honor, sir, to be, with great respect and esteem, your most obedient servant,

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, June 9, 1794.

Since the writing of my letter yesterday, I have received from Mr. Pinckney the case of the snow Sukey, and from the eastward, that of the brigantine Maria. I beg leave to add these to the long list already in your hands, and to assure you of the great respect and esteem with which I have the honor, sir, to be,

Your most obedient servant,

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 1.

FALMOUTH, June 9, 1794.

I landed here last evening, and immediately informed Lord Grenville and Mr. Pinckney of my arrival, by letters which went by the post last night.

In the course of this day I expect to set out for London, from whence I promise myself the honor of writing to you again very speedily. This letter will be committed to the care of Captain Blair, who will sail next week for Philadelphia. Be so obliging as to forward the enclosed.

I shall request Mr. Fox, our counsel here, to send you some of the latest public papers. As yet I have not had time to read any of them; but am told they mention several interesting events.

I have the honor to be, with great respect, &c.

JOHN JAY.

P. S. Mr. Fox, our counsel, informs me that his commission is to Richard Fox, instead of Robert Wore Fox, which is his name: he wishes that another commission may be issued accordingly.
Mr. Jay to Mr. Randolph—No. 2.
LONDON, June 32d, 1794.

Sir: I had the honor to write to you a few lines at Falmouth, on the 9th instant, mentioning my having arrived there the preceding evening: that letter was committed to the care of our consul, Mr. Fox. He expected to forward it by the Active, Captain Blair, who was soon to sail for Philadelphia, but whose departure has been unexpectedly protracted to this time.

On the 15th I arrived here, and the same day mentioned it by letter to Lord Grenville. He appointed the 18th for my reception, and I then communicated to him my first commission, and left with him a copy of it. This was a visit of ceremony, and nothing passed between us, relative to the objects of my mission. The next day I sent him copies of my letters of credence.

On the 20th I had an interview with him by his appointment, and communicated to him my general power, of which I have since sent him a copy. Much general conversation took place, and the principal topics were touched upon. His lordship did not commit himself on any point; he heard me very patiently, and politely. He promised to appear the next day for another conference, and I should then have been able to procure sentiments favorable to his character and manners.

If this disposition be hostile, he conceals it admirably. What will be the decision of the court, I will not venture even to conjecture. As yet, I have no reason to be dissatisfied, or to consider appearances as being unfavourable. No delays, or arts to procrastinate, have been practised.

It is to be wished that no intelligence of an irritating nature may arrive from America. I do not regard preparations for war as of that nature. They ought not, in my opinion, to be neglected or delayed in the most profound state of peace. I shall not omit any opportunity of giving you such information as will enable you to see precisely the state of the negotiation, and shall endeavor to avoid deceiving you, or myself, by delusive hopes or groundless fears.

I have the honor to be, with great respect, 

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 3.
LONDON, June 26, 1794.

Sir: Since my last, the minister has appointed to-morrow for a conference with me. Captain Allen waits for my letter. Nothing new has occurred: appearances continue favorable.

Yours, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 4.
LONDON, July 6, 1794.

Sir: The letters which, since my arrival, I have had the honor of writing to you, are as follows: 9th June, at Falmouth, left with our consul there to transmit by the Active, Captain Blair, for Philadelphia; and the 23d June, by Mr. Francis, of which I also sent a duplicate by the Mohawk, Captain Allen, to New York, and 29th June, by the same.

On the 27th June, I had a conference with Lord Grenville, in the course of which all the topics of difference between the two nations were touched. This conference I considered as intended for more particular discussions. It amounted, however, only to a friendly and informal conversation on these subjects. He appeared to be liberal, candid, and temperate, but did not commit himself, or say anything decisive on any point. He observed that he wished first to inform of the extent of our views and objects, and that a consultation with the rest of the King's ministers would be necessary to enable him to be more explicit. This appeared to me to be perfectly fair and proper.

In conversing on the subject of captures and spoliations, I was surprised that not a single case, under the instructions of November, had been laid before him. He requested me to furnish him with some of the strongest of those cases, and remarked that an accurate knowledge of facts was so peculiar a measurement to his character, that he said, very frankly, that there might be such a state of things as to render the interposition of Government proper and necessary, to satisfy justice; and that he was desirous of having such exact information as would enable him to judge whether, and how far, the captures in question were under that predicament. On applying to Mr. Pinckney and Mr. Jay, I found that no such cases had been transmitted to him; and I told him I was impressed with the opinion, and that in cases of so much dignity, the information of gentlemen from Boston, has furnished me with the case of the Charlotte, decided at Antigua, and from which decision an appeal was made. It unfortunately happens, that this is not among the strongest of those cases. Mr. Crafts took the opinion of counsel on the subject, that opinion is as follows:

"The Charlotte, Coffin.—Appeal from Antigua.

Dr. Nicholl is requested to peruse the proceedings and evidence contained in the process herewith left, and advise whether it is expedient for the claimants to prosecute this appeal. I have perused the proceedings and evidence contained in the process transmitted by you, and it appears that the cargo of this ship, being the produce of the French West India colonies, and coming directly thence to France, was considered as liable to confiscation, although it should be the property of Americans.

"1 In the war before the last, Great Britain condemned neutral vessels and their cargoes, trading to the French islands, upon the ground that the trade was not permitted in time of peace, and that the permission was given by the French during the duration of war; and to protect their property against British capture; which occasional precaution, neutral nations were held to have no right to afford them. In the last war, neutral vessels trading to the French islands were not condemned, but the former principle was not thereby considered to be abrogated. As much as the French were cautious in permitting the commerce of neutrals. No such step (as far as I am informed) was taken by the French, previous to the present hostilities; and, as the Americans and other neutrals were not permitted, before the war, to purchase the produce of the French islands, and carry it in their own vessels thence to France, and, as the instructions of the 8th January, 1794, (revoking those of 6th November, 1792) still direct the seizure of "all vessels, with their cargoes, that are laden with goods, the produce of the French West India islands, and coming directly from any port of the said islands, to any port in Europe," I should apprehend that the sentence of condemnation will be affirmed. However, it being understood, that a negotiation between Great Britain and America is now pending, in which it is probable that many of this trade will undergo some discussion and settlement, it will, at all events, be expedient, on the part of the appellants, so far to proceed, as to preserve his right of bringing the sentence to a revision; more especially as no decision of the court, on this point has yet taken place by the lords of appeal; but the expediency of finally bringing the cause to a hearing may depend upon the result of the pending negotiation, or upon some decision to be given by the appellate court.

"July 7, 1794.

The list of captures with which I was furnished does not state the principles or pretexts on which the condemnations mentioned in it were grounded, and consequently is of little use on the present occasion. The case of Marston Watson, which I received from you before my departure, is a very strong one; but then it asserts only the expectation, but not the certainty of condemnation.

J. NICHELL.
No despatches from Mr. Higginson (of whose instructions I have a copy) have as yet reached me. Those instructions are, in my opinion, well devised and if as well executed, will furnish me with all the information which it has become so requisite.

On the 3d of this month I was, in the usual form, presented to the King, and the next day to the Queen. The reception I received from them both was affable and satisfactory, and perfectly calculated to create an opinion of the good will of this Government to the United States. The King seemed to be well prepared for the occasion. He expressed his confidence in the assurances I gave him of the disposition of the United States to cultivate peace and harmony. He intimated (but without any direct application) that it was expedient for all nations who respected order, good government, morality, and religion, to be friends. On this topic he expressed many general sentiments that were liberal and proper. He repeated that the United States, from various facts, time only can decide; they certainly afford some, though not conclusive evidence, of a friendly disposition.

By the arrival of the William Penn, your late correspondence with Mr. Hammond became known to the public. What impression it has made on the Government here, I have not as yet been able to judge. In the conduct of this negotiation, I shall proceed with as much expedition as prudence will permit. It appears to me expedient to be guided by occasions and circumstances, and to give every conciliatory application a fair experiment. Conceiving it to be advisable to afford the minister an opportunity of increasing the evidence of a friendly disposition, I prepared a letter to him, which, after having well considered, I sent to him the next day. It is in these words, viz.

"PALL MALL, ROYAL HOTEL, July 2, 1794.

"MY LORD:"

"Such various and important affairs must necessarily demand and employ your time and attention, that I really feel a reluctance to add to their number; and yet, circumstances as I am, and circumstances as my country is, I find myself irresistibly impelled to submit to your Lordship’s consideration, the expediency of my being authorized to convey to the President (by the vessels which sail next week) such assurances as may tend to compose his and the public mind in America.

"I can find but few authenticated cases of the captures in questions, which have as yet arrived here, and they shall be proper last or your lordship. Would it not, for the present, consist with your ideas on that subject to say, that if these captures, on being investigated, should appear to be of such extent and magnitude as to merit the attention and interposition of Government, that then, &c. &c.?

"Would it not also be right and proper to open the door for appeals, and to instruct His Majesty’s officers in America to communicate to him, by wire conduct, that friendship and mutual good will which the Governments of both countries desire to establish and perpetuate? Delay is often hazardous. Pardon my anxiety, lest new difficulties should arise—to prevent, is generally more easy than to remedy.

"I cannot conclude this letter, without expressing to your lordship how sensibly I feel, and am gratified, by the friendly and harmonious conduct that His Majesty and neutral good will which the Governments of both countries desire to establish and perpetuate. I have been honored by their Majesties, and the magnanimity of the sentiments which the King condescended to express on the occasion.

"It is my duty, and I shall perform it with the most cordial satisfaction, to make known to the President these pleasing circumstances: they perfectly harmonize with the liberality and candor, and with the obliging attentions I have experienced from your lordship; and if these representations should be accompanied with corresponding official assurances, a promising foundation would be laid for the establishment and duration of that friendship and cordiality between our two countries, which I pray God may speedily take place, and become perpetual.

"With very sincere respect and esteem, I have the honor to be, your lordship’s, &c."

J. J.

"P. S. As yet I have received no official letters by the late arrivals from America.

"The Right Hon. Lord Grenville, one of His Majesty’s Principal Secretaries of State," &c. &c.

To this letter I have not as yet received an answer, nor did I expect one so early. You will readily perceive, that, before it can be answered, the administration will probably think it necessary to decide on their line of conduct towards our country. Whatever the answer may be, it will unavoidably contain indications, either of evasion, or suspicion, or that the present situation of the country and liberal conduct with which the government will be, I cannot predict. As yet I have every reason to be satisfied, and it is but just and right that I should say it without reserve.

I shall persevere in my endeavors to acquire the confidence and esteem of the Government, not by improper compliances, but by that sincerity, candor, truth, and prudence, which, in my opinion, will always prove to be more winning, more durable, and less offensive than false and pretentious harmony.

Formal discussions of disputed points should, in my judgment, be postponed until the case becomes desperate. My present object is to accommodate, rather than to convict or convince. Men who sign their names to arguments seldom return them.

If, however, my present plan should fail, and I am far from being certain that it will not, I shall then prepare and present such formal, and, at the same time, such temperate and firm representations as may be necessary to place the claims and conduct of the two Governments in their proper points of view.

On the 9th of July I received the following letter from Mr. Henry Wadell, viz:

"JULY 5, 1794.

"SIR: By the advice of Thomas Pinckney, Esq. I have called upon you to state the particulars of the capture and detention of the American ship Amsterdam Packet, but not having the honor of a personal interview, permit me to do it in this way.

"The American ship Amsterdam Packet, (Henry Wadell, master) of New York, owned by Messrs. Daniel Ludlow & Co. laden with sugar, cotton, coffee, pot and pearl ashes, oil, and tobacco, left said port on the 28th of September last, bound for the port of Havre-de-Grace; but, on the 29th November following, was forcibly taken by the privateers of the United States, under the command of Captain or Princess Elizabeth cutter, and carried into Liverpool, where the vessel, as well as cargo, are still detained, without any other reason assigned than that the captors say they are indemnified by the order of the 5th November, (which I doubt you are acquainted with) and for which she must wait the adjudication. It is now seven months since the vessel was taken, and if we have to wait our turn for the adjudication of the admiralty court, it will be three or four years more before we can hope for a release. Any services rendered by you will be thankfully acknowledged by, sir, &c. &c.

"HENRY WADDELL.


I immediately sent it to Lord Grenville, enclosed in the following letter, viz:

"PALL MALL, July 5, 1794.

"MY LORD: I am persuaded your sensibility will be hurt by the delay mentioned in the enclosed letter from Mr. Wadell. The impressions which it must naturally make, even on the most liberal minds, are to be regretted. It will be sensibly felt by the owner, whose nearest connections have, to my knowledge, done and suffered much from their attachment to this country.

"I forbear to add any thing, accept sincere assurances of the respect and esteem with which I have the honor to be, &c. &c. &c.

"The Right Hon. Lord Grenville, &c. &c.

J. J."
FOREIGN RELATIONS.

This letter needs no comment: it will probably lead the minister to observe that all descriptions of persons amongst us are affected by the injuries of which we complain, and will naturally participate in the sentiments which those injuries cannot fail to excite. It is for the sake of this idea that I mention the transaction, which, in other respects, may not be deemed of sufficient importance to find a place in this letter.

I have many respec[ible and influential characters here, and] from their sentiments and conversation, there certainly is reason to believe that war with us would be an unpopular measure, provided nothing should occur to fix the imputation of aggression on us.

In a late conversation with certain persons attached to the administration, and of weight in that scale, the general conduct of our Government received the most unreserved approbation, and the character of the President was spoken of in the highest respect.

I have not heard that Carleton’s speech or Simcoe’s interference were defended by any body. As yet I have neither heard nor seen anything that looks like a hostile disposition in the mass of this nation towards ours, but the contrary.

The desig[ns may be, or have been, in the cabinet, is another matter. Information of that kind is not readily acquired, but I shall not be inattentive to it. Men are prone to suspect, sometimes, too much, and sometimes too little, to avoid both extremes is more proper than it is easy.

On the subject of the affairs committed to me, I have nothing further to add at present.

I have received a letter from Mr. Bourne, which, together with my answer to it, should, I think, be communicated to you. They are as follows, viz: 

"AMSTERDAM, June 27, 1794.

"Sir: I am made happy by the opportunity of tendering to you my congratulations on your safe arrival in Europe, which I beg you to accept of, accompanied with my cordial wishes for the success of your mission, as involving the most important interests of our country.

"I am sorry to observe that the conduct of this Government of late (though perhaps more equivocal than that which has been pursued by Great Britain) must operate as a very serious injury to the commerce of America. In the face of express stipulation of treaty, they have prohibited us from taking away nearly all the articles for which we have a demand, and many others, unless on condition of giving heavy bonds that they shall be landed in America, or, rather, not in France. To short, such are the troubles and vexations which burthen our intercourse with them, that our vessels are generally obliged to depart in ballast.

"We have no friend or assistant here, clothed with public authority, to whom we can resort for advice or protection on the points alluded to; but should it be within the latitude of your powers to remonstrate, I doubt not the issue would be favorable.

"Persuaded that you will not ask an apology for what has been prompted by a sense of duty to my country, I forbear to make one for the trouble I give you by this communication, and pray you to be assured of those sentiments of profound respect and esteem with which I have the honor to be, &c. &c.

"S. BORNE.

"LONDON, July 8, 1794.

"Sir: I have been favored with yours of the 27th of last month; accept my thanks for the friendly congratulations contained in it.

"That the President may be informed of the facts you mention, I shall take the liberty of transmitting a copy of my letter to the Secretary of State.

"Not being within the limits of my commission, I cannot with propriety interfere by making any representations on these subjects. With the wishes for your health and happiness, I am, sir, &c. &c.

"SYLVANUS BORNE, Esq. Amsterdam. J. J."}

July 8, 1794. Nothing new has occurred since the foregoing letter was written.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 9, 1794.

Sir: The object of this letter is singly to meet some violent representations which have probably been hurled to Great Britain from Bermuda, that their impression might be free to operate for some time without contradiction. For it is a lamentable thing to believe, with too much reason, that, in general, the agents of Great Britain in America are gratified when they can cast a distant suspicion upon our neutrality. I cannot forbear to remark how singular it is, that the Governor of Bermuda has not forwarded to Mr. Hammond any of the proofs which are said to be possessed by him and that Mr. Hammond has imparted the little which he knew, only on a special application, as if both the one and the other were afraid of enabling us to vindicate our character.

During the existence of our embargo, Mr. Hammond obtained a passport for his despatches to London, by the way of Halifax. A similar privilege being requested by Mr. Fauchet for Port au Prince, a passport was granted, with an express injunction that the vessel, which was caused L’Aimable, or L’Aimable Gentille, should proceed in ballast. We never heard more of her, until, on the 30th ult., intelligence arrived of her having been captured with one hundred and fifty barrels of powder, and may perhaps be different letters and documents, displaying the whole of our conduct up to this day. If, before this letter is put on board of the vessel which is to carry it, any thing else shall occur, it will be added. If not, be assured that you may, with the utmost confidence, declare, that we will not relinquish the investigation until we procure all the proof in our power, and whatsoever punishment the laws in any particular case may impose, shall be inflicted. I can hardly suppose that the British ministry, after such manifestations of our sincerity, will be hastily caught by appearances. No law prohibited the exportation of powder, the resolution of embargo excepted, at the time of the sailing of L’Aimable; and to suspect that Government would, if inclined to aid the French resistance to the combined Powers, resort so petty a manoeuvre, would look strongly like a preconcerted plan. Government disclaims the idea.

I have the honor, sir, to be, with sincere esteem and respect, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 5.

LONDON, 9th July, 1794.

Sir: On the 6th inst I had the honor of writing you a long and particular letter; it was closed yesterday by a postscript informing you that nothing new had occurred.

This morning I received, by the post from Dover, a letter which I suppose was there put into the office from an American vessel lately arrived. I presume it was from your office; it contained a copy of the acts passed during the late session of Congress, but no letter was enclosed with it.

The events which gave occasion to your late correspondence with Mr. Hammond, and the expiration of the embargo, are circumstances which rendered me solicitous to receive from you official accounts of them, as in that case
I might have made them the subjects of an interesting and perhaps useful communication to the minister. Doubts of the propriety of grounding it on newspaper evidence, and the daily expectation of receiving letters from you, which might contain not only information but instructions, have induced me to decline writing or saying anything official- ly on those subjects. I suspect that your letters are still on the way, and will soon arrive.

A new arrangement of the ministry has, it is said, taken place, and will soon be announced; the enclosed paper will inform you of the particulars; if true, it will give strength to the administration by uniting the leaders of the contending parties.

As yet I have received no answer to my letter of the third instant to the minister. It is not improbable that the operation of this change in the ministry has occasioned the delay, as the concurrence and counsels of the new ministers would be necessary to the stability of any system relative to us, that may be in contemplation. What that system may be, I cannot pretend to predict or even conjecture; and, therefore, again take the liberty of hinting, that, in my opinion, our preparations for war should continue unremitted.

The merchants and others, entrenching themselves on expectations that all differences will be amicably settled, and I believe that the ministry has encouraged and countenanced these expectations, though not in a manner so explicit and decided as to have committed themselves. At present, things appear to me to be so circumstanced as that neither a hostile nor a pacific system would surprise me. You shall be regularly and accurately informed of every change that may happen in the prospect of either; and I think it will not be difficult so to manage that the case of a war, our people will be united, and their people divided. This will certainly be the case if we do nothing but what is just and right.

I have the honor to be, with great respect &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 10, 1794.

Sir:

You will receive by this conveyance a supplement to the cases of British spoliations, the very abridgment of which makes a large quarto volume in my office; and also duplicates of my letters of 27th, 28th, 29th May, and 8th June.

I have been endeavouring to obtain the particulars of the different instances of capture, covered, as the Americans say, by the armistice; but not being able to succeed, I have selected so much of the case, which you know was brought before the Supreme Court of the United States in another shape, as will give an idea of the general principle of these cases. Some justice, I think, can easily procure full information of the several cases, if your success in the discussion of the principle should render it necessary.

It is an exceedingly happy circumstance for the peace of nations, that they are not obliged to credit the facts or reasoning of their ministers abroad; that they can distinguish their zeal to seem watchful, their irascibility, and the erroneousness of their apprehensions, from a temper of hostility in the nation to which they are sent. How far this is fortunate for us, with respect to Great Britain, will be evinced from my correspondence with Mr. Hammond, upon the rule of twenty-four hours for the sailing of hostile vessels from our ports, and upon his list of charges against our fidelity to the obligation of neutrality. We have too much reason to fear, from the boldness with which he assumes facts to us, he will be less restrained in his declarations to the British ministry. As often, therefore, as you shall be assailed by any strong intelligence, I must request you to keep off any conclusions from being made, until you shall have an opportunity of hearing from my office: for our unalterable desire of peace will not only quicken our communications to you, but authorize me to pronounce beforehand, that the Government can never be chargeable with any wilful breach of neutrality; and, indeed, notwithstanding Mr. Hammond’s insinuations, with any negligence in preserving it inviolate. The papers as to the Charles and Delight will be a fresh testimony of this assertion.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No 6.

LONDON, 12th July, 1794.

Sir:

I had yesterday the honor of seeing Lord Grenville. He assured me that no unnecessary delays should retarde a full discussion of the points in question; and observed that the new arrangement of the ministry involved the necessity of time for their being all informed and consulted. In this assurance I have perfect confidence.

We had an informal conversation relative to Simcoe’s hostile measure. We concurred in opinion that, during the present negotiation, and until the conclusion of it, all things ought to remain and be preserved in status quo; that, therefore, both parties should continue to hold their possessions, and that all encroachments on either side should be done away; that all hostile measures (if any such should have taken place) shall cease, and that, in case it should, unfortunately, have happened that prisoners or property should have been taken, the prisoners shall be released, and the property restored. And we have agreed that both Governments shall immediately give orders and instructions accordingly.

This agreement appears to me so perfectly reasonable, and so conducive to the preservation of mutual confidence and good temper, that I flatter myself it will meet with the President’s approbation; and I have given Lord Grenville explicit assurances (which he has reciprocated) that, on the part of the United States, it will be faithfully observed and fulfilled.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No 7.

LONDON, 16th July, 1794.

Sir:

In my last letter, viz. of the 18th instant, I had the honor of stating to you, particularly, an agreement between Lord Grenville and myself, for preserving all things, between the United States and our Canadian neighbors, in a peaceable state during the negotiation. Yesterday Lord Grenville read to me what he had written to Mr. Hammond on that subject; it exactly corresponded with what I had written to you in my letter of the 12th. His lordship desired I would take charge of his letter, and give it a place among my despatches to you. I received it from him last night; it will be herewith enclosed. You will, I am persuaded, take particular care that it be delivered speedily and in good order. Correspondent letters and orders will doubtless be expedited directly to Lord Dorchester and Mr. Simcoe, by the first packet.

The arrival and obvious effects of such letters and orders cannot fail to have a favorable influence on the hostile Indians; as their expectations of aid abate and diminish, their disposition to peace will increase, and become operative.

It was not until the 14th instant that the Captain of the William Penn knew that there was a box on board directed to me; in the afternoon of that day I received it, and found your letters to me of the 37th and 28th May, and a note covering a list of the papers sent in the box. As yet I have not had leisure to compare the papers with the list. On opening one or two cases of spoliation, I find several papers not important for me to have plain, concisestates are sufficient, and best for diplomatic purposes. I am glad that these cases are come: after making the necessary selections and statements, I will lay them before the minister.
I have also had the pleasure of receiving your letters of the 29th May and 8th June. With the former was a list; but really, sir, I have not yet had time to compare the papers with the list, nor to prepare myself for writing to you on the subject of those letters at present.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 18th, 1794.

Sir:

The enclosed letter from Mr. Higginson, of the 18th ultimo, gives me reason to suppose that the opportunities from Barbadoes to London may be sufficiently frequent for the conveyance of the documents which he is sent to collect. I have, therefore, the honor of enclosing to you the records of the brig Despatch, schooner Trial, schooner Hope, (Farley) schooner Hope, (Felt) schooner Resolution, brig Lady Washington, sloop Ranger, schooner Polly, and schooner Fox; and to be, with great respect and esteem, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 8.

LONDON, 30th July, 1794.

Sir:

The great, and, I believe, unexpected events in Flanders, and the unusual number of interesting affairs which constantly demand the attention of the British cabinet, keep their ministers unceasingly employed, and is, doubtless, one reason why more time has not been allotted to our concerns. We are, nevertheless, beginning to do business apparently in good earnest. The minister is (if I may so say) besieged by our British creditors. The subject of the debts is attended with difficulties. The minister has been informed that the law in Virginia relative to the evidence of book debts has, since the war, been made more strict than it was before. If the law has been thus changed, and made to apply to pre-existing transactions, there is room for complaint. I wish to have exact information on this head.

I am to see Lord Grenville to-morrow at 11 o'clock, by appointment, on the business of spoliations and impressments, when I hope he will be prepared to say something decisive. I have laid before him several of the cases you sent me, and also, the statement by the captains of vessels taken at Martinique. Of the facts mentioned in the latter, he had never received any information. I know the impatience that must prevail in our country. At times, I find it difficult to repress my own impatience; but for all things there is a season. The importance of moderation and caution in the present moment is obvious, and will, it is to be hoped, continue to operate on the minds and conduct of our fellow-citizens. As yet, I do not apprehend that I have committed any mistakes in this business. I wish I may be able to say as much at the conclusion of it.

I have read your thirty odd papers to, and from, and respecting, Mr. Hammond and his complaints. You have, in my opinion, managed that matter well; continue, by all means, to be temperate, and put him in the wrong.

Let us hope for the best, and prepare for the worst. I confess I have hopes, but I also perceive circumstances and causes which may render them abortive.

This letter cannot be satisfactory; it amounts to little more than this: That nothing decisive has yet been done, and that I cannot tell you whether any thing, and what, will be done. So is the case; and such will often be the case pending any negotiation, or any game connected with events not in our power to control. In both, chances frequently defeat skill, and as frequently give to skill unmerited reputation. For these things I must take my chance.

I have the honor to be, with great respect, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, July 30, 1794.

Sir:

I do myself the honor of enclosing to you a copy of my last letter to Mr. Hammond, together with the following duplicates, viz: May 27th, 28th, and 29th, June 8, July 5, with its enclosures.

The reports of a determination in the British to abet the Indians, grow daily more and more serious; and there is great reason to apprehend that British troops will be found mixed with the savages, who are prepared to meet General Wayne.

The gazette of Mr. Bache, published on the 26th day of this month, will give you all the information which we have yet received, of a very unfortunate tumult near Pittsburg. The President has not yet acted upon the subject, as authentic facts are not yet before him.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 9.

LONDON, 31st July, 1794.

Sir:

My letter of yesterday informed you that I should, this day, at 11 o'clock, see Lord Grenville on the subject of spoliations, &c. I have seen him accordingly. Having presented to him an official note on this object of my mission, it became the topic of our conversation. He promised to send me a written answer to-morrow, and I am induced to believe it will, in some respects, meet our wishes, but that it will not extend to immediate compensation by Government; and yet, that it will include eventual compensation in all cases where the ordinary course of appeals, &c. may not afford it. On receiving this answer I shall immediately write to you again, and enclose copies both of my note and of the answer to it.

I have the honor to be, &c.

JOHN JAY.

P.S. I think our affairs here assume a more promising aspect.

Mr. Jay to Mr. Randolph—No. 10.

LONDON, August 2, 1794.

Sir:

I had the honor of writing to you on the 31st ult.: that letter was sent to Falmouth, in hopes it would reach Dr. Edwards before he sailed from thence for Boston. He went from hence on Tuesday last. I now enclose a copy.

That letter mentioned my having presented an official representation to Lord Grenville on the subject of spoliations, &c. to which his lordship had given me reason to expect an answer in a day or two. I have accordingly re-
GREAT BRITAIN.

Mr. Jay's representation to Lord Grenville.

The undersigned, envoy of the United States of America, has the honor of representing to the Right Honorable, Lord Grenville, His Britannic Majesty's Secretary of State for the Department of Foreign Affairs:

That a very considerable number of American vessels have been irregularly captured, and as improperly confined, as their non-admission into His Majesty's ports.

That, in various instances, these captures and condemnations were so conducted, and the captured placed under such unfavorable circumstances, as that, for want of the securities required, and other obstacles, no appeals were made in certain cases, nor any claims in others.

That the proceedings in all these cases will appear from the documents which he has had the honor of submitting to his lordship's consideration; and that it will not be deemed necessary, at present, to particularize these cases, and their merits, or detail the circumstances which discriminate some from others.

That great and extensive injuries having thus, under color of His Majesty's authority and commissions, been done to a number of merchant vessels of America, the United States can, for reparation, have recourse only to the justice, authority, and interposition of His Majesty.

That the vessels and property, taken and condemned, have been chiefly sold, and the proceeds divided among a large number of claimants; some are duty unpaid, to make restitution, and others, from frequent removals, and their particular circumstances, not easily reached by civil process.

That as, for these losses and injuries, adequate compensation, by means of judicial proceedings, has become impracticable, and considering the causes which combined to produce them, the United States confide in His Majesty's justice and magnanimity to cause such compensation to be made to these innocent sufferers as may be consistent with equity; and the undersigned flatters himself that such principles may, without difficulty, be adopted, as will serve as rules whereby to ascertain the cases, and the amount of compensation.

So grievous are the expenses and delays attending litigated suits, to persons whose fortunes have been so materially affected, that so great is the distance of Great Britain from America, that the undersigned thinks he ought to express his anxiety, that a mode of proceeding as summary and little expensive may be devised, as circumstances, and the peculiar hardship of these cases, may appear to permit and require.

And as (at least in some of these cases) it may be expedient and necessary, as well as just, that the sentences of the courts of vice-admiralty should be revised and corrected by the court of appeals here, the undersigned hopes it will appear reasonable to His Majesty to order that the captured in question (who have not already so done) be there admitted to enter both their appeals and their claims.

In order to find out the real irregularities, before mentioned extended not only to the capture and condemnation of American vessels, and property, but to unusual personal severity, but even to the impression of American citizens to serve on board of armed vessels. He forsees to dwell on the injuries done to the unfortunate individuals, or on the evolutions which they must naturally excite, either in the breast of the nation to whom they belong, or in that of the other powers, every cause every reason for public justice and humanity; the consideration of His Majesty leads him to indulge a pleasing expectation that orders will be given that Americans so circumstanced, be immediately liberated, and that persons, honored with His Majesty's commissions, do, in future, abstain from similar proceedings.

It is with cordial satisfaction that the undersigned reflects on the impressions which such equitable and conciliatory measures would make upon the minds of the United States, and how naturally they would inspire and cherish those sentiments and dispositions which never fail to preserve, as well as to produce, respect, esteem, and friendship.

JOHN JAY.

Lord Grenville's reply.

DOWNSIDE STREET, August 1, 1794.

The undersigned, Secretary of State, has had the honor to lay before the King the ministerial note which he has received from Mr. Jay, envoy extraordinary and minister plenipotentiary from the United States of America, respecting the irregularity of the capture and condemnation of several American vessels, and also respecting the circumstances of personal severity by which those proceedings are stated to have been accompanied in some particular instances.

The undersigned is authorized to assure Mr. Jay, that it is His Majesty's wish that the most complete and instantaneous measures should be taken to effect a release of all the vessels, and those who may, for any reason, have been injured by any of the proceedings above mentioned. All experience shows that a naval war, extending over the four quarters of the globe, must unavoidably be productive of some inconveniences to the commerce of neutral nations, and that no care can prevent some irregularities in the course of those proceedings which are universally recognized as resulting from the just rights and interests of the belligerent powers, and which, however, may always be denounced as well as some precautions, which stand in the way. It is therefore, the undersigned flatters himself that such principles may, without difficulty, be adopted, as will serve as rules whereby to ascertain the cases, and the amount of compensation.

So grievous are the expenses and delays attending litigated suits, to persons whose fortunes have been so materially affected, that so great is the distance of Great Britain from America, that the undersigned thinks he ought to express his anxiety, that a mode of proceeding as summary and little expensive may be devised, as circumstances, and the peculiar hardship of these cases, may appear to permit and require.

And as (at least in some of these cases) it may be expedient and necessary, as well as just, that the sentences of the courts of vice-admiralty should be revised and corrected by the court of appeals here, the undersigned hopes it will appear reasonable to His Majesty to order that the captured in question (who have not already so done) be there admitted to enter both their appeals and their claims.

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It is with cordial satisfaction that the undersigned reflects on the impressions which such equitable and conciliatory measures would make upon the minds of the United States, and how naturally they would inspire and cherish those sentiments and dispositions which never fail to preserve, as well as to produce, respect, esteem, and friendship.

JOHN JAY.
ceasing, at a very small expense to the parties, and without any interposition of His Majesty's Government than is above stated. Until the result and effect of these proceedings shall be known, no definitive judgment can be formed respecting the nature and extent of those cases, (if any such shall ultimately be found to exist) where it shall not have been practicable to obtain substantial redress in this mode. But he does not hesitate to say, beforehand, that, if cases shall then be found to exist to such an extent as properly to call for the interposition of Government, where, without the fault of the parties complaining, they shall be unable, from whatever circumstances, to procure such redress, in the ordinary course of law, the justice of their cases may entitle them to expect, His Majesty will be anxious that justice should, at all events, be done, and will readily enter into the discussion of the measures to be adopted, and the principles to be established for that purpose.

With respect to all acts of personal severity and violence, as the King must entirely disapprove every such transaction, so by His Majesty's courts are always open to the punishment of offenders of this nature; and the justices will, in every case, where the fact can be established by satisfactory proof; nor does it appear that any case of that nature can exist where there would be the smallest difficulty of obtaining, in that mode, substantial and exemplary justice.

On the subject of the impress, Lord Grenville has only to assure Mr. Jay, that if, in any instance, American seamen have been impressed into the King's service, it has been contrary to the King's desire; though such cases may have occasionally arisen from the difficulty of discriminating between British and American seamen, especially where there so often exists an interest and an Antagonism to deceive. Whenever any representation has been made to Lord Grenville on this subject, he has never failed to receive His Majesty's commands for putting it in a proper course in order that the facts might be inquired into, and ascertained; and to the intent that the persons in question might be released, if the facts appeared to be satisfactorily established.

With respect to the dispatch expressed by Mr. Jay that new orders might be given with a view to prevent, as far as is possible, the giving any past ground of complaint on this head, Lord Grenville has no reason to doubt that His Majesty's intentions respecting this point are already sufficiently understood by His Majesty's officers employed on that service; but he has, nevertheless, obtained His Majesty's permission to assure Mr. Jay, that instructions, to the effect desired, will be renewed, in consequence of his application.

The undersigned avails himself, with pleasure, of this opportunity to renew to Mr. Jay his assurances of his sincere esteem and consideration.

GRENVILLE.

Mr. Jay to Mr. Randolph—No. 11.

LONDON, 8th August, 1794.

Sir: I refer you to my letter No. 10, and its enclosures, by Captain Coit, via New York, of which duplicates are also sent by the William Penn. Having understood that one of our Indians had been captured and sent to Halifax, I mentioned it to Lord Grenville. He readily promised to write by the packet, and direct the attention of the Government there to that object, so that nothing improper may take place. My present prospects are not discouraging. I expect to be, in about a fortnight, to give you some interesting details; and I hope some of them will be agreeable, but of this I cannot be certain.

I have the honor to be, &c.

P. S. The Pigou is arrived. I have not yet seen the captain; he probably has letters for me.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 12.

LONDON, 9th August, 1794.

Sir: Last evening I received from Lord Grenville an order of the King and council, dated the 6th instant, relative to appeals from sentences of condemnation passed against American vessels. The enclosed is a copy of it. I have employed Sir William Scott and Dr. Nicholl in behalf of our appeals and claims.

The letter which [from that by Mr. Fisher] I find you have written to me by the Pigou, has not yet reached me.

I have the honor to be, &c.

JOHN JAY.

At the court at St. James's, the 6th August, 1794.

PRESENT: The King's Most Excellent Majesty in council.

Whereas in many of His Majesty's vice admiralty courts in the West Indies, sentences of condemnation have passed against ships and goods belonging to the subjects of the United States of America: And whereas, from ignorance of the rules respecting the times of appeal, or from inability to find the security required, or from other just and reasonable impediments, the claimants have been prevented from duly entering and prosecuting their appeals from the said sentences: And whereas it hath been represented to His Majesty, on their behalf, that they are desirous of entering and prosecuting the same: His Majesty is thereupon pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that the said parties shall be admitted to their respective appeals, notwithstanding the ordinary times for entering and prosecuting the same, it may have elapsed; provided the same are entered and prosecuted in a reasonable time, to be approved of by the lords commissioners of appeals in prize causes.

STEPHEN COTTRELL.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 11, 1794.

Sir: Having regularly transmitted to you copies of my late correspondence with Mr. Hammond, in relation to Lord Dorchester's speech, Governor Simcoe's invasion, and his own criminations of the United States, I now do myself the honor of adding his concluding letter of July 30, 1794. If he wishes any new evidence of our unchangeable neutrality he may be told, and the British ministry likewise, that the militia of Richmond, in Virginia, actually marched, at a moment's warning, between seventy and eighty miles, to seize a vessel supposed to be under preparation as a French privateer. Resistance was at first apprehended; but it was overawed, and the business completely effected.

The discontent, evasions, and occasional oppositions, which have been manifested against the excise, in the counties of Pennsylvania westward of the Allegheny mountains, have at length assumed a menacing and formidable air. The enclosed paper contains the President's proclamation, which is a summary of facts, except that Neville's house and out-houses were destroyed by fire. Commissioners are gone upon the ground, and particularly to be present at a great meeting on the 14th instant. Upwards of twelve thousand militia are ordered to hold themselves in readiness; and if the orders of the commissioners should be unsatisfactory, the militia will, I believe, be commanded to proceed. The experiment upon their temper is untried. The Governor of Pennsylvania is against the calling
forth of the militia, until more formal legal measures are pursued. He, too, has sent two commissioners, on the part of the State, and has called the Assembly for the 1st of September ensuing. But he has expressed his persuasion, that a sufficiency of militia of the State cannot be prevailed on to move forward. Hence proportions of the number required will be procured from Virginia, Maryland, and Jersey, as well as Pennsylvania. The temper of the militia is not yet developed; some, however, vibrate between hatred of the excise; and horror of these unauthorized violences. At present it can only be said, that, if an accommodation does not take place, a new era will immediately spring up in our Government.

The letter from Clerke and Bentlou, of Baltimore; the papers of the snow Sukey, ship Charlotte, sloop Sally, schooner Fame, brig David and George, schooner Friendship, and schooner Sarah, brig Union, Captain Cotlle, and brig Dolphin, Captain Knapp, are additions to the cases of spoliation, and now sent.

I have the honor, sir, to be, &c.

EDMUND RANDOLPH.

P. S. I ought to have mentioned the death of Mr. N. C. Higginson, who was sent to the West Indies to collect documents. This may occasion some delay and disappointment in the transmission of them to London. The spoliations are unavailing delayed for another conveyance.

Mr. Randolph to Mr. Jay.  
PHILADELPHIA, August 15, 1794.

Sir:

Mr. James King, the owner of the schooner Nancy, the papers in whose case have been forwarded, as far as they were received, has this moment laid before me a copy of the record. From the whole proceedings, it appears, that she was acquired at Nassau upon the payment of duties, and that the captors have appeared. As this vessel and her cargo come within the catalogue of spoliations, I have to request that they may be protected by your attention, and that you will give directions for the employment of counsel in behalf of the United States, unless some adjustment which you may make with the British ministry, on general grounds, shall supersede the necessity of such a step.

I have the honor, sir, to be, &c.

EDMUND RANDOLPH.

Mr. Randolph to Mr. Jay.  
PHILADELPHIA, August 18, 1794.

Sir:

I had the honor of receiving, on the 16th instant, your letter of the 23 of June, from London, and, on the 17th instant, your first letter of the 9th of June, from Falmouth. Both of them came by the Active, Captain Blair, but the latter was brought, more expeditiously, by Mr. Francis, than the former, which was delivered out with the other letters in the bag of the ship.

It has given great pleasure to the President to hear of your safe and speedy arrival, and of the style of your reception by the minister. You know the temper and conduct of the President so thoroughly, that I need not assure you of the impartiality which he continues to preserve towards all nations. And, yet, the irritation from the British quarter has been exceedingly aggravated. I pass over Lord Dorchester's speech, which, notwithstanding the half disavowal of it in the British Houses of Lords and Commons, on the 26th May last, is believed by every body here, to be genuine, and is argued upon, as you will perceive, in Mr. Hammond's two letters to me, of the 30th May and 7th June, as if it were rather genuine than otherwise. But Governor Simcoe's invasion of the Rapids of the Miami, comes confirmed to us from every source, except Mr. Hammond, who has had near three months for ascertaining the fact, and whose silence, during that time, after his promise to inform us of the truth, is the highest presumption of the act of hostility. So, too, the enclosed copies from the War Office, prove that the British were associated with the Indians in the affair of Fort Recovery, on the 30th of June. We cannot add, upon proof, that British influence has been tampering with the people of Kentucky, and of the neighborhood of Pittsburg, to seduce them from the United States, or to encourage them in a revolt against the General Government. It has, however, been boasted of by them, and an expectation of such an event is supposed to have been excited in the breasts of some.

The impression of our commissioners, and those of the State of Pennsylvania, upon the insurgents near Pittsburg, cannot be yet known, and we can transmit to you no other indications of the issue of this commotion, than what may be drawn from my letter of the 11th of August.

The enclosed copy of Mr. Hammond's letter of the 14th of August, with its enclosure, will be justly appreciated, when you advert to those of my former letters which speak of his facility of complying. But we shall again demonstrate the promptness with which we exert ourselves to redress his grievances, real or supposed, as an injunction will be immediately dispatched to the several Governors to grant to the British ships the most complete hospitality, consistent with our stipulations to other nations. The particular case to which he alludes will be consigned to the special attention of the Governor of Delaware.

The letters which I have written to you since your departure, are of the following dates: May 27, 28, 29; June 6, 9; July 9, 10, 13, 29; August 11. I now enclose duplicates of the four last mentioned, together with sundry other papers, agreeably to the enclosed list; duplicates of all the others having been formerly sent.

I have the honor to be, &c.

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 13.  
LONDON, 21st August, 1794.

Sir:

I have received the letter you did me the honor to write on the 9th June, enclosing the case of the snow Sukey, and of the brigantine Maria. That letter begins thus: "Since writing of my letter yesterday, I have received," &c. That letter has never come to my hands.

A few days ago I was favored with yours of the 9th July, on the subject of the American vessel carried into Bermuda, and on board of which a large quantity of powder was found, and enclosing copies of several letters relative to it. That letter appeared to me to be well calculated to manifest the sincerity of the Government, and evidently shows a disposition, rather to invite than to evade an investigation into every transaction that afforded color for complaint. I therefore thought it expedient to communicate it, and all the papers which accompanied it, to the minister, without diminution.

Since my last, nothing new has occurred. We are endeavoring to digest and mature a final settlement; whether we shall be able to agree, is uncertain; I have hopes as well as apprehensions. I think our next conference will produce something decisive, at least on some of the great points. If so, you shall be immediately informed of it.

Considering how many urgent affairs, which cannot be postponed, daily call for the minister's orders, we cannot expect that ours should proceed without some occasional delays. As yet, I have no reason to believe that any of them have been avoidable.
FOREIGN RELATIONS.

Sir William Scott, the King's advocate, who is retained for us, is, at my request, preparing instructions for our people who have appeals or claims to bring forward. When finished, they shall be sent to you. I really do believe that all business will be conducted and concluded with good faith. At Martinique there was no legal court or vice admiralty; consequently, the condemnations there are nugatory, and original claims may be entered and prosecuted here.

I have the honor to be, &c.

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 14.

LONDON, 23d August, 1794.

Sir: When you shall have received my letter enclosing copies of my representation to Lord Grenville, on the subject of captures, and of his answer, and a subsequent letter enclosing a copy of the instructions respecting appeals and claims, you will perceive that they who wish to prosecute either, should, without delay, appoint agents here to manage their business, and to whom I may deliver such papers in my possession as relate to those cases of capture which may be committed to their care and direction.

I am inclined to think that the order of council alone will not be satisfactory to the claimants; and, therefore, that the representation, and the answer to it, and, perhaps, my letter No. 10, of the 2d of August, covering them, should be published at large. But of this, the President and you, who are on the spot, will be better able to judge than I can be.

I heard yesterday that Mr. Monroe had arrived at Paris. Be so good as to inform me, from time to time, which of my letters, and also the duplicates (for of some duplicates have been sent) come to your hands.

I have the honor to be, &c.

JOHN JAY.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, August 30th, 1794, one o'clock.

Sir: The treatment which American vessels have experienced from the warring Powers causes a general concealment of their departure, so that I am frequently obliged to snatch an opportunity at a moment's warning. This is the case at present. Having just heard of a vessel ready to sail from New York, I shall despatch an express at two o'clock, P. M. which, I hope, will reach her.

Last night, we received from Captain Williamson, living at Sodus, in Ontario county, in the State of New York, the enclosed letter, containing the most unwarantable and insolent demand from Governor Simcoe, through Lieuten-tenant Sheaff, that he should desist from the prosecution of my settlement there. The original, now in my office, may be proceeded on as authentic. Sodus is probably well known to you. If it be not, I add the only information which I can obtain of its position; that it lies between Oswego, on Lake Ontario, and Niagara, about twenty-five miles from the former, and nearly three times that distance from the latter. What might we not be justified in saying or doing on this new aggression? Mr. Hammond has promised to procure the truth of the report as to Governor Simcoe's seizure of the Rapids of the Miami; but with a full scope of time, he remains silent, while it is firmly believed that British troops were associated with the Indians in the late attack on Fort Recovery; and it is certain that the British Governor of Upper Canada threatens us if we clear our own lands, and build houses to shelter our laborers. The admonition, sir, which your letter of June 23d gives, to prevent the arrival of any irritating intelligence in London, is but a comment upon the unvaried policy of the President, and of every member of the administration. This is evidenced by the step on which the President has now resolved, which is, to transmit copies of the papers to Mr. Hammond, now at New York, (where he has been for a considerable time, and whither he went, after an intermission of visits to the President for more than two months, without taking leave of him, further than his notification to me might be considered as such) to afford to him an occasion to explain this procedure away, or, if he should perchance have power, to check it; to inform Captain Williamson that he is right in his determina-tion to push on his settlement, and that the owner of lands may repel force brought by an invader, and to offer to the Governor of New York, on loan, arms for the purposes of defence. My letter to Mr. Hammond cannot be prepared early enough for the express; but it will not be required as in any manner immediately useful to you, since the outrage of the principle asserted in Governor Simcoe's dispatch, will instantly occur to your mind; and compared with similar acts on the part of the British, will establish our love of peace in triumph over the calamities which British agents, indisposed to us from interest or other motives, may propagate on the other side of the Atlantic.

Mr. Jay has letters addressed to you the insurrection at Pittsburg; and with the gazettes which have been forwarded, gave you the real state of the business up to the 17th instant. At that time, the commissioners wrote that nothing but the physical force of the nation could subdue it. The President, in consequence of this declaration, arranged the march of the militia. But you will perceive how the gloom of bloodshed is brightened by their letters of the 21st and 22d instants, with their enclosures, copies of which I have now the pleasure of transmitting to you. We may count upon an express from Pittsburg in the course of this day, which will enable us to judge whether any difficulty can have arisen in the detail spoken of. But, I flatter myself that this event will close with a return of harmony; will demonstrate the horror of our citizens at an opposition to laws; will prove that the Government can protect itself against insult and rebellion, and will be an era of stability in our affairs. While I wish that the rashness and delusion of some, and the deliberate wickedness of others, had not plunged us into such dangers, I must confess my belief that the catastrophe will show that there is a point—the point of actual opposition to Government—concerning which the desperate may prate with indifference, but at which the very great majority of our cit-izens shudder.

By the present conveyance, I repeat some of my former letters, with various enclosures. The newspapers are also sent.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Shall I beg the favor of you to show this letter to Mr. Pinckney, to whom I cannot in my hurry write at this moment?

Mr. Randolph to Mr. Jay.

PHILADELPHIA, September 5, 1794.

Sir: I write only to enclose you copies of the papers respecting the commotion at Pittsburg, and of my letter to Mr. Hammond on the 1st instant, and his answer to me on the 3d, concerning the settlement at Great Sodus. We have reason to expect the conclusion of the insurrection without bloodshed; but we are hourly looking for more particular intelligence of the proceedings at Redstone on the 28th ultima. These will be indicative of the final issue.

I have the honor to be, &c.

EDM. RANDOLPH.
Mr. Randolph to Mr. Jay.

Philadelphia, September 12, 1794.

Sir:

It is said that a vessel will sail from hence on Sunday next for Liverpool, and I cannot lose this chance of conveying to you the acknowledgment of your letters of the 28th June, and duplicates of June 33, and the real state of the inscription of Pittsburg at this moment.

The gazettes sent by a former opportunity, together with those now enclosed, will inform you of the facts. To guide you more certainly, I will refer you to the following dates of Dunlap's paper:—For the President's proclamation, in the paper of the 8th August; and, with the first committee, see Bache's paper of 6th September: for the proceedings at Parkinson's Ferry, and with the new committee, see the paper of this day.

Yesterday the votes of the people were taken on the question of resistance or submission. Mr. Bradford, the Attorney General of the United States, came to town last evening, having left his colleague, Mr. Ross, to be present at Union Town, in Fayette county, on the 16th, when the report of those votes is to be made to him. Mr. Bradford is of opinion that the county of Alleghany will be nearly, if not wholly, unanimous for submission; that those in the eastern part will approach considerably to unanimity; that Westmoreland is very doubtful; and that Washington will probably hold out.

What can be the hopes of the insurgents, with all the men of influence and property residing in those counties against them; without money, without discipline, with no distinguished skill in the use of arms; with no disposability after all to the necessity of having, with no prospect of any redress, of any produce, except in the Alliance States; with a feeble population; with the certainty of punishment before them, or the necessity of flight from their possessions; without ammunition, and even arms? Mr. Bradford thinks that scarce five hundred will take the field. Yet, can the insurgents expect any thing by the sympathy of other States. On the contrary, they have every thing to dread. Virginia will readily produce her quota of the fifteen thousand demanded; her inhabitants are steadfast in the abhorrence of the inscription, and her Governor (Henry Lee) will have the command. General Morgan is in motion also. Maryland, notwithstanding the defects in her militia laws, will act very satisfactorily. New Jersey, probably headed by Governor Livingston, will exhibit a most horrid camp; but so composed as to be supposed to be reluctant, will furnish in volunteers what the incompetency of her militia laws would not yield. The speech of Governor Millfin to the Assembly, and to the officers, the answers of the State Senate and House of Representatives, breathe a spirit determined to subdue the commotion. It has been even proposed (and the proposal seems good) that a very agreeable committee should be elected by themselves and submit to your Excellency, if you, therefore, sir, with safety pronounce, that howsoever painful the appeal may be to arms, howsoever active the insurgents may have been in endeavoring to obtain pretexts, howsoever inconvenient the long distance to the principal scene may be, Government has not the most remote apprehension of difficulty, nor of inflation. Your negotiation cannot, I hope, be exaggerated by any appearance which this affair may have assumed; if it has been, it is by you, you may truly affirm that, instead of shaking, it will terminate in the manifestation of the love of the people for the Government of the United States, and their zealous guardianship of it.

I have to add, Mr. Hammond, that the state is that of Governor Simcoe's perpetual encroachments, threats, and, indeed, hostilities. In support of my letter to him on the 3d instant, the enclosed affidavit of John Kelly presents most a strange fact. Be assured, that I shall rejoice in your honor, in happily closing this and every other branch of your functions. I, Lord Dorchester and Governor Simcoe are to continue uncontrolled in their course, with what consequences we cannot now determine.

The copies of two other letters from me to Mr. Hammond, of the 22d and 27th of August, and of an extract from his reply on the 3d instant, will prove how we are harassed by their conduct respecting American seamen. So, too,/Dk. Shelton's letter of the 8th instant, Governor Clinton's of the 9th, and the affidavits of Lloyd Daubeny and John R. Livingston, show that unjust and oppressive captures continue to be made of our property by British cruisers on our very coasts.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 15.

London, 13th September, 1794.

Sir:

Hitherto my letters have communicated to you but little information of much importance, except on one point. Although all the general objects of my mission were opened at once, and were received with equal satisfaction of the same candor and disposition to agree upon with which they were stated, yet the nature of the business turned the immediate and more particular attention of both parties to the affair of the captures: the result has been communicated to you.

A number of informal conversations on the other points then took place, and every difficulty which attended them came into view, and was discussed with great fairness and temper; the inquiry naturally led to the fact, which constituted the first violation of the treaty of peace. The carrying away of the negroes contrary to the 7th article of the treaty of peace, was insisted upon as being the first aggression. To this it was answered, in substance, that Britain understood the stipulation contained in that article, in the obvious sense of the words which expressed it, viz: as an engagement not to cause any destruction, nor to carry away any negroes or other property of the American inhabitants or, in other words, that the evacuation should be made without deprecatory; that no alteration in the actual state of property was operated or intended by that article; that every slave, like every horse, which escaped or strayed from within the American lines, and came into the possession of the British army, became, by the laws and rights of war, British property; and, therefore, ceasing to be American property, the property therefore was not injured by British troops intervening in such instances, that, to extend it to the negroes, who, under the faith of the proclamations, had come into them, of whom they thereby acquired the property, and to whom, according to protection, liberty had been given, was to give to the article a greater latitude than the terms of it would warrant, and was also, unnecessarily, to give it a construction which, being odious, could not be supported by the known and established rules for construing treaties; To this was replied the several remarks and considerations which are probably then at large in a report which I once made to Congress on this subject, and which, for that reason, it would be useless here to repeat; on which we found ourselves agreed.

In the same instance, as affording us just cause of complaint, antecedent to any of those urged against us, viz: that, from the document received and stated in Mr. Jefferson's letter to Mr. Hammond, it appears, that the posts were not only not evacuated, within the reasonable time stipulated by treaty, but also, that no orders for the purpose had, at least within that time, if ever, been given, I was informed indirectly that it was thought the issue was to be made with Spain, on the 30th November, 1783; that those articles were to constitute the treaty of peace proposed, to be concluded between Great Britain and the United States, but which treaty was not to be concluded till terms of peace should be agreed upon between Great Britain and France that the treaty of peace was not concluded, till the 3d September, 1783; that it was not ratified in America until the 14th of August, 1784; that the ratification was received in London on the 17th, and was accordingly ratified in Great Britain, nor exchanged until the end of that month; that, according to the laws of nations, treaties do not oblige the parties to begin to execute the engagements contained in them, until they have received their whole form, that is, when they shall have been ratified by the respective sovereigns that parties to it, and until after those ratifications shall have been exchanged; that, therefore, it was not until the end of May, 1784, that the treaty of Great Britain was bound to give any orders to evacuate the posts; that such orders could not arrive at Quebec, until in July, 1784, and, consequently, that the allegations of a breach of the treaty by the non-execution of the article respecting the
posts, grounded on circumstances prior to the 13th July, 1874, are evidently unfounded; that, in the interval between the arrival and publication in America, of the provisional articles, and the month of July, 1874, by which time, at 1st, orders issued after the exchange of the ratifications of the treaty of peace, the last of May, could reach Quebec, incontestable violations of the treaty had taken place in the United States; that reason and the practice of nations, the treaties of the United States with Great Britain, and had inscribed, or until the final exchange of ratifications; that, in opposition to this, new legislative acts had, in the interval before mentioned, been passed, which were evidently calculated to be beforehand with the treaty, and to prevent its having its full and fair operation on certain points and objects, when it was signed and taken effect; that these acts were the first violations of the treaty, which was just the Great Britain, in determining the posts until the injuries caused by their operation should be compensated.

That Britain was not bound to evacuate the posts, nor to give any orders for the purpose, until after the exchange of the ratifications of the treaty of peace, and that the treaty, as to those points and objects which were not the subject of the treaty, was of an incontestable character.

That certain legislative acts did pass in the United States, in the interval aforesaid, which were inconsistent with the treaty of peace, is equally certain; but it does not thence necessarily follow that those acts were without justice even as relative to the treaty: for precedent violations on the part of Great Britain would justify subsequent refusal to the treaty, so far as they were inadmissible, and the same to the present as it was deemed just and necessary to the establishment of the system of their government, and was answered as before. I confess, however, that his construction of that article has made an impression upon my mind, and induced me to suspect that my former opinion on that head may not be well founded.

Thus it became evident that admissions of infractions of the treaty of peace, and that this or that party committed treaty violation, and did so with manifest premeditation.

It then became advisable to quit those topics, and to try to agree on such a set of reciprocal concessions as (balancing each other) might afford articles for a treaty, so beneficial to both parties, as to induce them to bury in its all former questions and disputes. The above idea gave origin to the following propositions of different kinds, which it would be tedious and useless to enumerate, and of which you will readily conceive there were some that could not meet with mutual approbation; among those which were mentioned, was one for altering essentially our boundaries in the northwestern corner of the United States; this I regarded as inadmissible, and hoped would not be persisted in; one for doing us complete justice respecting the captures; one for partially opening to us a trade with the West India Islands; one for our paying the damages sustained by British creditors, by lawful impediments; this was strongly insisted on. I did not think it utterly inadmissible, in case we received proper justice and privileges under other articles: for them, in my judgment, it would not be advisable to part and separate on that point, and the additional terms by which the general object would have been secured, one for putting the ships and merchants of both parties on an equal footing. In short, in order to bring the whole subject comprehensively into view, nothing that occurred was omitted to be mentioned; these were free conversations, neither of us considering the other as being committed to any given purpose.

It was necessary then to select points for mutual consideration, and quitting detestable discussions, to fix our attention on certain propositions, each being at liberty to propose what he pleased, and again to retrace his proposition, if, on mature reflection, he should be so inclined: with this view, after returning home, I selected the following: viz.

- Whereas the line of the West from the Lake of the Woods, which is mentioned in the said treaty, it is agreed that the actual extent of the said river to the northward shall be explored and ascertained by commissioners for that purpose, to be appointed and authorized as follows, viz.

It is agreed that if, from the report of the said commissioners, it shall appear that the said river does not extend so far to the northward as to be intersected by the west line aforesaid, by reason whereof the boundary lines of the United States in that quarter would not close, then, and with thereupon, such a closing line shall be established as shall be adjudged and determined to be most consistent with the true intent and meaning of the said treaty, and the said river shall not be extended in the manner in which the said commissioners may determine to the northward of the said line.

- It is agreed that His Majesty shall withdraw all his troops and garrisons from every post and place within the limits of the United States, by the 1st day of June next, and that all settlers and traders within the present or contemplated boundaries of the United States may and shall be protected in their persons and property, in all their rights and interests.

- It is agreed that His Majesty will cause full and complete satisfaction and compensation to be made to all vessels and property of American citizens who have been, or, during the course of the present war, shall be, illegally captured and detained, under color of authority and commissions derived from him; and that, in all cases where it shall appear that said creditors, by the operation of the said impediments, on the secular and religious laws and customs of the United States, may be obtained and actually had, to the ordinary course of judicial proceedings; and for this purpose — commissioners shall be appointed and empowered in manner following, viz.

- It is agreed that, whereas debts bona fide contracted before the peace, and remaining unpaid by American debtors to British creditors, have probably, in some instances, been prejudiced and rendered more precarious by the lawful impediments which, after the peace, did for some time exist, to their being prosecuted and recovered, it is agreed that, in all cases where it shall appear that the said creditors, by the operation of the said impediments, on the secular and religious laws and customs of the United States, may be obtained and actually had, to the ordinary course of judicial proceedings, (it being understood that in these damages, interest shall be included only in cases where, according to equity and good conscience, all things being considered, it ought to be allowed and paid) the United States will make full and complete satisfaction and compensation to the said
creditors for the same and for this purpose commissioners shall be appointed and authorized in the manner prescribed in the preceding articles with these differences only, viz: if the said vessels, so as to clear from the said United States and their citizens to carry, in their own vessels, the burden of one hundred tons, or under, from the said United States, any goods, wares, and merchandise, which British vessels now carry from the United States, to any of His Majesty's islands and ports in the West Indies; and shall as well have and receive rates of freight and charges of every description as British vessels do, or shall be agreed by the United States; and only such other charges, imposts, and duties, as British vessels and cargoes laden in, and arriving from, the United States, now are, or hereafter shall be, lawfully liable to in the said islands and ports; and that it shall and may be lawful for the said American vessels to purchase, take, and carry away, from the said islands and ports, such ordinary and natured goods and manufactures of the said islands as they may think proper, and paying only such duties and charges on exportation as such vessels and cargoes, if British, would be liable to: Provided always, That they carry and land the same in the United States, and at no place whatever out of the same; but being expressly agreed and declared, that West India productions or manufactures shall not be transported in American vessels, either from His Majesty's said islands, or from the United States, to any part of the world except the United States, reasonable sea stores excepted, and excepting, also, rum made in the United States from West India molasses.

It is agreed that all the other ports and territories of His Majesty, whatsoever and wheresoever, (not comprehend within the limits of his chartered trading companies) shall be free and open to the citizens of the United States, to trade and establish themselves therein as well for the profit of their own country as the benefit of His Majesty; and that therein they shall enjoy all the commercial rights, and pay out the same duties and charges, either on importation or exportation, as if they were British merchants' vessels and cargoes, except that they shall pay the same rate of tonnage as may be charged on British vessels in the United States. And, on the other hand, the vessels of the United States, and the citizens of the United States, shall be entitled to the same rights and privileges that belong to British, and open to British merchants and subjects, and that, and their vessels and cargoes, shall therein enjoy all the commercial rights, and pay only the same duties and charges, as if they were American merchants' vessels and cargoes; it being the intention of this article that, in His Majesty's territories (except as before excepted) American merchant and merchant vessels shall be exactly on the same footing with British merchants and merchant vessels, and that British merchants and merchant vessels shall, in all the territories of the United States, be exactly on the same footing with American merchants and merchant vessels, tonnage only excepted.

The trade between the United States, and the British West India Islands shall be considered as regulated and explained by the present article, and therefore as being excluded from the operation of the following articles: it is agreed that all the productions and manufactures of His Majesty's dominions in any part of the world may freely be imported in British or American vessels into the United States, subject equally and alike to the duties on importation and exportation, as if they were British vessels; and that all the productions and manufactures of other States may be freely imported in American or British vessels into any of the said dominions of His Majesty, subject equally to the duties on importation which may there be established.

And to the end that these duties may be made reciprocal, it is agreed that all articles for that purpose shall have the same rate of duties as may be laid upon them in the United States.

It is agreed that when Great Britain is at war and the United States neutral, no prizes taken from, or by Great Britain, shall be sold in the United States; and that, when the United States are at war and Great Britain neutral, no prizes taken now, or by the United States, shall be sold in His Majesty's dominions. It is further agreed, that if it should unfortunately happen that Great Britain and the United States should be at war, there shall be no privates or commission by them against each other, and that the merchants and others residing in each other's countries shall be allowed nine months to remove with their effects, and shall not be liable to capture on their voyages, or for their respective quarters.

It is agreed that British subjects who now hold lands in the United States, and American citizens who now hold land in His Majesty's dominions, shall continue to hold them according to the nature and tenure of their estates therein, and may grant, and sell, and devise the same, as, and to whom they please, in like manner as if they were freeholders and entitled to all the incidents and privileges of their respective grants.

It is agreed that neither debts due from individuals of the one nation to individuals of the other, nor shares or money which they may have in the funds, or in the public or private banks, shall ever, in any event of war or national differences, be requisitioned or confiscated; except as the existing circumstances of the case may require, and in case of war, and only during the duration of the same, payment may be suspended, it being both unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other, and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents."

From the 6th to the 30th of August nothing of importance occurred. On the 30th day of August, Lord Grenville wrote me a letter, and enclosed two draughts or projects of treaties. The letter is in these words, viz: August 30th, 1794.

Sir: I have now the honor to transmit to you two projects, the one for regulating all points in dispute between His Majesty's subjects, the other for the establishment of commercial regulations. You will perceive that I have proceeded in forming these projects on the foundation of the most pacific terms of commerce communicated to me by the American Commissioners, and have occasionally made such variations as seemed to me to be just and expedient. I have thought that some time might be saved by communicating them to you in this manner. Whenever you shall have sufficiently considered them to be enabled to converse, either on the whole, or on any distinct branches of so extensive a subject, I shall be very much at your order, having very sincerely at heart the speedy and favorable conclusion of our negotiation.

It would have been more satisfactory to me if I had found it practicable to send you these projects sooner: but you will, I am sure, be sensible of the circumstances which must, at this juncture, interfere with the preparation of them. I have always been anxious to conciliate the interests of both nations by a settlement of lasting harmony and friendship between our two countries. Even in the state in which I now send you these papers, I am apprehensive that some verbal corrections may occur as necessary to give full effect to the objects intended to be provided for. I have accordingly marked, for your information, the points on which we have not yet arrived, and I think it very probable that you will occasionally touch on these considerations, for which no provision is made in these projects. But I have preferred saving that the communication in its present shape rather than that any further delay should be created, and I trust, with real confidence, to your candor, respecting such further suggestions as I may occasionally see ground to state to you. I have the honor to be, &c. &c.

The Honorable Mr. JAY, &c. &c.

The draughts, or projects, are as follows, viz:

First, the Preamble.

Article 1. It is agreed that His Majesty will withdraw all his troops and garrisons from the posts within the boundary line assigned by the treaty of peace between the United States and the United States, the other for the establishment of commercial regulations. You will perceive that I have proceeded in forming these projects on the foundation of the most pacific terms of commerce communicated to me by the American Commissioners, and have occasionally made such variations as seemed to me to be just and expedient. I have thought that some time might be saved by communicating them to you in this manner. Whenever you shall have sufficiently considered them to be enabled to converse, either on the whole, or on any distinct branches of so extensive a subject, I shall be very much at your order, having very sincerely at heart the speedy and favorable conclusion of our negotiation.

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GRENVILLE.

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It would have been more satisfactory to me if I had found it practicable to send you these projects sooner: but you will, I am sure, be sensible of the circumstances which must, at this juncture, interfere with the preparation of them. I have always been anxious to conciliate the interests of both nations by a settlement of lasting harmony and friendship between our two countries. Even in the state in which I now send you these papers, I am apprehensive that some verbal corrections may occur as necessary to give full effect to the objects intended to be provided for. I have accordingly marked, for your information, the points on which we have not yet arrived, and I think it very probable that you will occasionally touch on these considerations, for which no provision is made in these projects. But I have preferred saving that the communication in its present shape rather than that any further delay should be created, and I trust, with real confidence, to your candor, respecting such further suggestions as I may occasionally see ground to state to you. I have the honor to be, &c. &c.
It shall at all times be free to His Majesty’s subjects, and to the Indians who are to the southward and westward of the lakes, to pass and repass with their goods and merchandises, and to carry on their commerce within or without the jurisdiction of the said posts, in the manner hitherto accustomed, and without any hindrance or molestation from the officers or citizens of the United States. The several waters, carrying places, and roads, adjacent to the lakes, and by the means of which the above-mentioned purpose is to be effected, are open to His Majesty’s subjects, and to the Indians, for that purpose; and no impediment or obstacle shall be given to the passage of goods or merchandise of any kind, nor shall any duty be attempted to be levied upon them.

Art. 21. In order to remove all uncertainty with respect to the said boundary line, assigned to the United States, and to render the said boundary line ascertained and determinable on the one hand, and to prevent the inconvenience which might arise from the manner of determining it, on the other hand, there shall be appointed, between the two contracting parties to the said treaty, and are to be considered as forming a part thereof:

First. That, whereas doubts have arisen as to what river was truly intended, under the name of the river St. Croix, mentioned in the said treaty, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners to be appointed by the said parties, to be named by His Majesty, and his representatives, and by the United States, and their representatives, for the purpose of ascertaining and determining the same; and the commissioners shall be named by His Majesty, and one by the United States, and that the said two commissioners shall agree on the choice of a third, or, if they cannot so agree, that they shall each propose one person, and that, of the two thus proposed, the third shall be chosen in the manner hereinafter prescribed; and that the said three commissioners so appointed shall be sworn impartially to examine and decide the said question, according to such documents as shall respectively be laid before them, on the part of the British Government, and of the United States.

Secondly. That whereas it is now understood that the river Mississippi would, at no point thereof, be intersected by such westward line as is described in the said treaty; and, whereas it was stipulated, by the said treaty, that the navigation of the Mississippi should be free to both parties, it is agreed that the boundary line shall run in the manner described by the said treaty, from the Lake Huron, to the northward of the Isle Philipps, in Lake Superior; and that from thence the said line shall extend to the bottom of West Bay, in the said lake; and from thence, in a due west course, to the river of the Red Lake, or eastern branch of the Mississippi, and down the said branch to the main river of the Mississippi, and that, as well on the said branch, as on the lake Superior, and Lake Michigan, the navigation of the waters, there coming from the said branch, or running by those lakes, shall be free and unobstructed; whereupon it is understood, that the navigation of the said water communication shall be intersected by a line running due north from the mouth of the River St. Croix, which falls into the Mississippi below the falls of St. Anthony, and that the boundary line shall proceed from such point of intersection, in a due southerly course, along the said line to the Mississippi, and thence to the nearest point of the shore of the United States, and afterwards to the nearest point of the coasts of the same, or any part thereof, until it comes to the point where the said line will intersect the river Mississippi; and from thence the navigation of the said river shall be free to both parties, and His Majesty’s subjects shall always be permitted to enter freely into the bay, ports, and creeks, on the American side, and to land and dwell there for the purposes of commerce; and, for greater certainty, the undersigned ministers have annexed to each of the copies of the present extract, a map made from the best surveys and reconnaissances, with the situation of the said boundaries, and the boundaries of the United States, as fixed by the said treaty of peace, and by this treaty, together with all the other articles of the said treaty, are hereby recognized, ratified, and forever confirmed.

And it is further agreed, that in all other respects, as well as to the navigation of the British men and goods, in such waters, and to such intercommunications, as shall be preferred to them, by British creditors, or their representatives, in virtue of this article, and impartially to determine the same, according to the true intent of this article, and of the treaty of peace.

And the said commissioners, in awarding such sums as shall appear to them to be due to the said creditors by virtue of the conditions of the said treaty, or by virtue of any former arrangement, shall make due allowances for all amounts, be it principal or interest, in respect of the said debts, and to decide respecting the same, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require; and the said commissioners shall empower their subordinates, in their several respective regions, to pass all such evidences and releases, and according as they shall think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof, every such deposition, book, paper, copy, or extract, being duly authenticated, according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see fit to prescribe and require.

Three of the said commissioners shall constitute a board, and be empowered to do any act appertaining to the said commission; provided that, in every such case, one of the commissioners named on each side, and the fifth commissioner, chosen as above, shall be present; and all decisions shall be made by the majority of voices of the commissioners present.

The award of the said commissioners, or of any three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the claimants; and the United States undertake to cause the same to be paid to such claimants as shall be determined in such manner as is above provided for; and at such time as shall be awarded by the said commissioners; and on condition of such releases to be given by the claimant of his demands against individuals, as to them shall appear just and reasonable.

And it is further agreed, that, if it shall appear that, in the course of the war, loss and damage has been sustained by His Majesty’s subjects, by way of vessels and merchandise, such capture having been made, either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States, or by vessels commanded or owned by the citizens of the said States, the United States will make full satis-
faction for such loss or damage, the same being to be ascertained by commissioners, in the manner already mentioned in this article.

Art. 8th. It is agreed that, with respect to the neutral commerce which one party may carry on with the European powers, respectively, and in war, the principles to be observed are, in the first place, those of the United States, and reciprocally by the United States towards Great Britain, shall always, and in all points, be the same as those which shall at that time be observed by the said parties, respectively; towards the most favored neutral nations of Europe, with the exception of such particular privileges as may, before the commencement of the war to which this convention relates, have been accorded by one or the other of the said powers, and which may be extended by mutual treaty or extension of privileges or modifications as may occasionally be established by special treaty, between Great Britain and the United States, for their mutual convenience.

Art. 9th. It is agreed that, in all cases, the vessels shall be captured or detained, on just suspicion of having on board enemies' property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and that all proper measures shall be taken to prevent delay in deciding the case of ships so brought in for adjudication, and in the payment or recovery of any indemnification adjudged to be granted to the said parties, absolutely and without delay.

Art. 10th. When one of the contracting parties is engaged in war, and the other remains neutral, the said neutral Power shall not suffer the ships, vessels, goods, or merchandise, of the other, which may be taken at sea or elsewhere, by the first party, to be brought into any of its ports or dominions, and much less to be there sold or exchanged; but shall publicly forbid any thing of the kind. And in all cases, which may arise, either of the contracting parties, or their people, or subjects, so taken, at sea, or elsewhere, shall be carried into the ports or countries of the other, by the enemy, neither the same, nor any part thereof, shall be allowed to be sold or exchanged in the said country or any other part of the dominions of the said neutral Power: The master of the ship or vessel so taken, as also the mariners and passengers of every description, shall, as soon as they arrive, be immediately set at liberty; and the said ship or vessel so brought, shall not be permitted to stay in that harbor, but shall be obliged immediately to leave the port, with her goods, merchandise, and lading, and without being allowed to return to the same, or to any other port in the dominions of the said neutral party: Provided, nevertheless, that nothing in this article shall be construed to derogate from the public treaties which have already been entered into by either of the contracting parties with other nations; but in so far as such treaties do not interfere, and in all cases to which they do, the said parties shall remain in full force, and shall be executed accordingly. And the contracting parties will not, in future, conclude any treaty in derogation of the same.

Art. 11th. It is agreed that the subjects and inhabitants of the kingdoms, provinces, and dominions, of the contracting parties, shall exercise no acts of hostility or violence against each other, either by sea or by land, or in re- spective of the said powers, against the subjects or people of the said powers, and of their dominions, respectively, that the people of either party shall not receive any patent, commission, or instruction, for acting, and acting as sea at privateers, or any letters of reprimand, as they are called, from any Prince or States, enemies to the other party; neither shall they arm ships in such manner as is above said, nor go out to sea therewith, for the purpose of exercising any act of hostility or violence against the subjects or people of the contracting party; nor shall they, in any manner, injure or disturb the said subjects or people; to which end, sufficient laws and regulations shall, if necessary, be provided; and, as often as is required by either party, strict and express prohibitions shall be renewed and published, in all the territories, provinces, and dominions, of each contracting party, wherever, that no one shall, in any wise, use such commissions, or letters of reprimand, or engage in any such acts of hostility as aforesaid, under the pain of severe punish- ments, to be inflicted on the transgressors, besides their being liable to full restitution and satisfaction to those to whom they have done any damage. Neither shall any letters of reprimand be hereafter granted by either of the said powers, to the prejudice or detriment of the subjects of the other; except, only, in such case wherein justice is denied or delayed; which denial or delay of justice shall not be regarded as verified, unless the petition of the person who desires the said letters of reprimand shall be communicated to the minister residing there in the part of the said powers, and the same shall be granted or procured, according to the principles of justice.

Art. 12th. Neither of the said contracting parties shall permit the ships or goods, belonging to the subjects of the other, to be taken within the limits of their respective jurisdictions, on their coasts, nor in the ports or rivers of their dom- inions, by ships of war, or others, having commission from any prince, republic, or city, whatsoever but, in case it should so happen, both parties shall employ their united force to obtain repairation of the damage thereby occasioned.

Art. 13th. If it should unfortunately happen that a war should break out between Great Britain and the United States, the said powers, respectively, shall not interfere with the said territories, with their revenues, and shall be protected from capture in their way home: Provided always, that this favor is not to extend to those who shall act contrary to the established laws. And it is further agreed, that neither delis due from individuals of the one nation to individuals of the other, nor shares or moneys which they may have in the public funds of either party, nor other property, or contracts extending to the said territories, or to said vessels, or to other persons, or to persons acting on behalf of the said parties, shall be confiscated; it being both unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other, and in their respective Governments, should ever be destroyed or impaired, by national authorities and acts of national governments.

Art. 14th. It is agreed that British subjects, who now hold lands in the territories of the United States, and American citizens, who now hold lands in His Majesty's dominions, shall continue to hold them, according to the tenure and usage of their estates and titles therein; and may grant and sell, and devise the same, as, and to whom, the use thereof may appertain, and that neither the said heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

COMMERCIAL PROJECT.

The Preamble.

Art. 1st. It is agreed that there shall be, between the dominions of His Britannic Majesty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation, and a free admission of all ships belonging to either party, whether the same be ships of war or merchant vessels; and that the subjects and inhabitants of the said countries, respectively, shall have liberty, freely and securely, and without hindrance or molestation of any kind, to come, with their said ships and their cargoes, to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid; to enter into the same, to return thereto, and to remain and reside therein, without any limitation of time; also to hire, purchase, and possess, houses and warehouses, for the purposes of trade; and to employ their subjects or merchandise, in such manner as shall afford the said parties the utmost facility of doing business, and shall enjoy the most complete protection and security for their commerce; and subject always, as to what respects this article, to the general laws and statutes of the two countries, respectively.

Art. 2d. It shall be free for the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in each of the said countries, respectively, and to employ such consuls, in the management of all matters relating to trade; and to make such rules and regulations as shall be agreeable, and not otherwise; and such consuls shall enjoy those liberties and rights which belong to them by reason of their functions: but either party may except, from the general liberty of residence of such consuls, such particular places as shall be thought necessary, and shall be so excepted.

Art. 3d. The vessels of the two contracting parties, respectively, coming to the dominions or territories aforesaid, shall enjoy the same liberty in respect of the entry and discharge of their lawful cargoes, and all other regulations which respect the general convenience and advantage of commerce, as now are, or shall, at any time, be, enjoyed by any other foreign nations in any of the said places, and which shall exist, or may hereafter be established in that respect, and by which 62
the vessels of the one party shall pay, in the parts of the other, any higher or other duties than shall be paid, in similar circumstances, by the vessels of the foreign nation the most favored in that respect, or by the vessels of the party into whose ports they shall come.

Art. 5th. No prohibition shall be laid in any of the territories or dominions aforesaid, by one of the contracting parties, on the importation of any article, being of the growth, produce, or manufacture, of the United States, in any of the territories or dominions of the other party, or of British vessels, into any of the territories or dominions of the United States, in any of the territories or dominions of the other party.

Art. 6th. With respect to the territories and dominions of His Britannic Majesty in the West Indies, the following arrangements have been agreed to by the contracting parties:

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States of America in journey to any of His Majesty's islands and ports in the West Indies, from the United States, in their own vessels, not being above the burden of seventy tons, any goods or merchandise being of the growth or produce of the said States, which it is or may be lawful to carry to the said islands and ports from the said States in British vessels; and that the said American vessels and their cargoes shall pay there no other or higher duties than shall be payable by British vessels, in similar circumstances: And that it shall be lawful to the said American citizens to purchase, load, and carry away, in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth and produce of the said islands, as may, by law, be carried from them to the said States in British vessels; and subject only to the same duties and charges on exportation, to which British vessels are or shall be subject in similar circumstances.

Provided, always, that they carry and land the same in the United States only: it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit the carrying any West India productions or manufactures in American vessels, either from His Majesty's dominions, in any of his vessels, or from his other dominions, in any other vessels, excepting such as shall be reasonable sea stores excepted, and excepting also rum made in the United States from West India molasses.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged, and so long as the war shall continue two years from and after the day of the signature hereof, and be proportioned to the preceding articles of peace by which the same may be terminated.

And it is further agreed, that, at the expiration of the said term, the two contracting parties will treat further concerning the arrangement of their commerce in this respect, according to the situation in which His Majesty may then consider himself as with respect to the West Indies, and with a view to the mutual advantage and extension of commerce.

Art. 7th. This treaty, and all the matters therein contained, except the sixth article, shall continue to be in force for twelve years from the day of the exchange of the ratifications thereof and, during the continuance of this treaty, there shall be no other articles, any contravention of which shall prevent the full and entire execution of this treaty, nor any article thereof, shall, on that account, be suspended, until representation shall have been made to the Government by the minister of the party complaining; and, even if redress shall not then be obtained, four months' notice shall be given previous to such suspension.

To the before mentioned letter, I returned the following answer, viz:

PALL MALL ROYAL HOTEL, 1st September, 1794.

My Lord:

I was yesterday honored with your lordship's letter of the 20th August, with the projects and map which accompanied it. I consider the articles in these projects as being (like those in our conversations) merely for mutual consideration.

In these projects several parting points present themselves: some of them, I presume, may be easily accommodated, but there are others which create in my mind serious apprehensions. One of these articles (being without the limits of my authority) I think I ought now to particularize: it is the one which proposes a cession of territory in the northwestern corner of the United States, at a price, which, in my opinion, many circumstances and considerations, which shall be submitted to your lordship, will restrain the United States from such a cession.

This article will entirely frustrate my hopes, if I had not reason to persuade myself that the enlarged and enlightened policy of excluding secondary from a competition with primary objects, will always harmonize with your lordship's mind. The present occasion is great, and, though critical, yet auspicious to the establishment of confidence and friendship between the two countries. With the magnitude and importance of these objects, the projects in the papers generally do not strike me as being, comparatively. I have reason to think that, on viewing these two demands, your lordship had many difficulties growing out of the subject, and probably some others, to encounter, and that your attention was divided between a multitude of great and pressing affairs.

The negotiation now becomes delicate, and I should experience more than a proportionate embarrassment were it not for my confidence in your lordship's candor and liberality, and for these sentiments of esteem, affection and respect, with which I have the honor to be, &c.

The Rt. Hon. Lord Grenville, &c.

Mr. Jay presents his compliments to Lord Grenville, and requests the favor of his lordship to name a time for receiving Mr. Jay on the subject of the proposed treaties. In the mean time, Mr. Jay has the honor of submitting the remarks, herewith enclosed, to his lordship's consideration.

The proposed alterations in our northwestern boundary, and the consequential cession and cession and demarcation of territory, appeared to me to be a point which I ought, without delay, to state to his Lordship, in the light in which it appeared to me; I therefore prepared and sent him, enclosed in a note, the following remarks, viz:

ROYAL HOTEL, PALL MALL, 4th September, 1794.

1st. That it is now understood that the river Mississippi would, in no part thereof, be intersected by a west line from the lake of the Woods.

2d. That it was stipulated by the treaty of peace, that the navigation of the river Mississippi should be free to both parties.

Admitting the fact mentioned in the first of these reasons to be well founded, it shows only that the northern and western lines of the United States do not meet and close, and, therefore, that it is necessary to fix a line on those closing. But no argument thence results that either Great Britain or the United States ought to cede or to acquire any territory further than what such closing line may possibly render unavailable.
GREAT BRITAIN.

That the Mississippi would, in no point thereof, be intersected by a west line from the Lake of the Woods, is a fact involved in too much uncertainty to be assumed as a foundation for national stipulation; for however it may be considered under the different circumstances, yet it cannot be determined.

The map sent to Mr. Jay by Lord Grenville, viz: Faden's, published in 1793, informs us that the river Mississippi has been ascended only as far up as about the forty-fifth degree of north latitude—that is, about a degree above the highest point of the Great Lakes, towards which course towards the north are yet to be discovered.

On the same map, Faden lays down a stream connected with the Marshy lake, near the forty-fifth degree of latitude, and thus designates it, "Mississippi by conjecture."

He also lays down on the same map a stream connected with the White Bear lake, near the latitude forty-six, and the same map (Faden's) designates it, "The Bear river."

He also lays down, on the same map, a stream connected with the Red lake, in latitude forty-seven, and thus designates it, "Red lake river, or Labrador's Mississippi."

Inasmuch, therefore, as three different streams, found in the immense wilderness above latitude forty-five, are connected with the United States, the Mississippi, as far as being certain how far that river runs to the north, we are really yet to learn where it does run, and which of the rivers in that wildness it is. How then can it be assumed, as a fact resting on good evidence, that the Mississippi would at no point thereof be intersected by a west line from the Lake of the Woods?

Individuals differing about boundaries depending on the course and extent of brooks and streams, settle questions of that kind by actual surveys. States usually, and with good reason, do the same. Why be content with delusive conjectures and probabilities, when absolute certainty can easily be had? Let a survey be accurately made by joint commissioners, involving a joint claim, of the United States are ready to adopt that measure, and to enter into the necessary stipulations and arrangements.

If it should appear, on such a survey, that the west line would intersect the Mississippi, no room for further question or dispute will remain but if the contrary should prove to be the case, then, as the northern and western lines of the United States would not close, the manner of closing them will naturally and necessarily come under consideration. Several modes of closing them may be devised, neither of which may be altogether agreeable to both parties. Unless they shall be able to agree, let Joint commissioners, at joint expense, and upon oath, fix a closing line, the United States to remain, with the said line, to the north and mouth of peace.

The United States are ready to enter into such eventual stipulations as may be necessary for that purpose.

The second reason assigned for this cession, is, "that it was stipulated by the treaty of peace that the navigation of the Mississippi should be free to both parties, and that it would be necessary, when it is ascertained, if any line should be taken in the United States, to extend the navigable part toward the north." This inference seems to be evident. A right freely to navigate a bay, a straight, a sound, or a river, is perfect without, and does not necessarily presuppose the dominion and property of lands adjacent to it.

But, although, from a right to navigate the river Mississippi, a right to adjacent lands cannot be inferred, yet, when that right is connected with the circumstance that both parties were to be bounded by a line terminating at the river, it is thought that the same principle is as far so as to be certain how far that river runs to the north, we are really yet to learn where it does run, and which of the rivers in that wildness it is. How then can it be assumed, as a fact resting on good evidence, that the Mississippi would at no point thereof be intersected by a west line from the Lake of the Woods.

The new United States possesses from the northwest angle of Nova Scotia to the head of Connecticut river, then down that river to the forty-fifth degree of latitude, then on that line of latitude to the river Iroquois, then (quitting that line of latitude) to the Lake Ontario, then, from lake to lake, through their connecting waters, until it arrives at the Lake of the Woods, and passing through it, to the northwesternmost point thereof, proceeds on a due west course to the Mississippi, &c.

It is, was always well known, and the map show it, that the Lake of the Woods is situated at a great distance in the extreme north of the United States, and from that place, as it is situated, it is not possible for its waters to be joined by the navigable part of the Mississippi, and consequently that a due west line from the Lake of the Woods must of necessity strike the river above those falls, and as far above at the latitude of this lake is above the latitude of the falls.

Again: it was not then known, nor is it yet known, how far the river Mississippi navigable beyond those falls; nor can it be ascertained, by the help of the articles that have been found on between them; but it is certain, that the particles, therefor, being entirely ignorant of the extent, and of the course, and of the character of the river high above the falls, could not possibly have judged, or divined, or guessed, whether the place or part of the river at which the west line would strike the water, or in what exact or infinite degree, and to what purpose it might be necessary to bring it to the first navigable water of the river. Yet nothing like this is to be found in the treaty.

It is not difficult to discern from the treaty, and so was the fact, that other ideas and views governed the direction of the two lines.

The question, then was, or where would it be most convenient to both parties, and, all things considered, where would be most wise and prudent, that the boundaries between them should be fixed? Two lines were proposed and considered; one from the point before mentioned, on Connecticut river, and running straight on the line of the 45th degree of latitude, west to the Mississippi; the other was the one adopted and established by the treaty. The official papers of the British ministers which respect that negotiation, will probably show that Great Britain had the choice of these two lines, and that she preferred the latter.

This choice and preference gives no support to the idea that she contemplated navigable waters in that part of the country which is now part of the United States. The British have always contended that all waters that do not have navigable value, and all mutual consent, terminated at the northwesternmost point of the Lake of the Woods; it was agreed that the Mississippi should bound the United States on the west; nothing then remained but to agree on the course which the closing line, from that lake to the river, should run; and a due west course was agreed upon, without any expectation or design of interfering with the navigable waters of that river, or of obstructing or impeding the navigation of the river, being free to both parties, was afterthought, and gave occasion to a new and subsequent article, viz: the 8th.

Even in the drawing that article, when the navigation of the river became an object of contemplation, no disposition was introduced into the right mentioned in that article, and the lines designated in the second, third, and fourth articles, as they are entitled to use or any other, commenced where the boundary between Canada and the navigable water of the Mississippi, which doubtless had been the case, had such a communication been then in view, especially considering the absolute uncertainty and extreme improbability of that river, and they were not entitled to the use of the Woods.

From the before mentioned circumstances and considerations, it seems fairly to result, that the two reasons assigned for the cession in question, as a matter of equity and right, do not afford it a solid foundation.

If this conclusion be just, it precludes the necessity of showing at large, that some of the inferences ascribed to the said two reasons, are mere conjectures, and that the whole map; each of which includes more than thirty thousand square miles; and that, without taking into the computation the extensive country lying between (what in the subjoined diagrams are for the purpose of computation regarded as)}
the west sides of these tracts and the Mississippi, and to the southward of the west line form the Lake of the Woods; and which country would on either of these plans become also annexed to Canada."

In order that you may have an accurate idea of the lines proposed by Lord Grenville, I here insert copies of the diagrams mentioned in the foregoing remarks.

[Nos. 1 and 2.]

On the 6th September, Lord Grenville wrote me the following note, viz:

"Downing Street, September 5, 1794.

"Lord Grenville presents his compliments to Mr. Jay. He has received Mr. Jay's note, with the enclosed remarks, and will be glad to see him at his office tomorrow, at twelve o'clock. Lord Grenville has, in the mean time, the honor to enclose to Mr. Jay some observations which have occurred to him on the perusal of the paper which he received from Mr. Jay."

The observations enclosed with this note were as follows, viz:

Observations respecting the Northwestern boundary of the United States of America.

It cannot for a moment be admitted, that the proposed arrangement on the subject of the northwestern boundary, is properly to be considered in the manner in which it is spoken of by Mr. Jay, namely, as a cession, or delereliction of territory on the part of the United States.

This boundary to the north-west, as fixed by the treaty, is a line "to be drawn from the Lake of the Woods, in a due west course, to the Mississippi." There are in this agreement two distinct parts:

1st. That the boundary line should be drawn in a due westerly course from the Lake of the Woods; and,

2d. That it likewise be drawn in a due westerly course to the Mississippi.

If such a line cannot in fact be drawn, between those points, there can be no ground for considering one part of this stipulation as more permanently fixed than the other, or as affording a more equitable ground for any future arrangement; and it would be quite as reasonable for this country to consider as a cession of territory, on our part, the adoption of any other boundary than that of a due westerly line striking the Mississippi, as for the United States to urge that such a cession exists on their part, if such a line is not drawn from the Lake of the Woods.

This arrangement must be considered as that which is said to result from the free navigation of the Mississippi on which head it seems sufficient for the present to remark, that such a right evidently and necessarily implies the possibility of access to that river, without passing through a foreign territory.

Little objection occurs to the making an exact survey, exclusive of the stipulations in the treaty should be found to be compatible with the real geography of the country, it is certain that no further dispute could exist on that point.

But, if we have from the best information on the subject sufficient reason to believe that no such line can be drawn, then it is certain that the treaty, if it can exist, will be exclusively the interest of the two countries with relation to each other are under discussion, with a view to lasting friendship, to leave unsettled so material a ground of difference as that of an unascertained boundary. The mode of settling that point is necessarily connected with the general result of the present negotiation. If no more can be accomplished on any other point, than the doing strict justice between the parties, according to existing treaties and the laws of nations, the appointment of commissioners, as proposed by Mr. Jay, does not appear ill adapted to obtain the same object as to this point; provided that those commissioners are distinctly enabled to take into their consideration the 8th article, and give to that stipulation such effect as they shall think it ought in justice to have, in the formation of a new boundary line.

The negotiation should lead to new stipulations of mutual advantage, no subject appears more proper for the application of that principle, than one in which there exist two doubtful and contradictory claims, founded on an agreement which cannot by any possibility be executed; especially if it be true, as it is considered here, that this is a point where any advantage whatever it should be, which Great Britain might acquire, would, under all circumstances, be found at least equally beneficial to the United States.

Downing Street, 5th September, 1794.

Expecting that, when we met, the first of the above projects would, as first in the order of things, be first considered, my attention was more immediately confined to it; but the time consumed in preparing the remarks before mentioned left me very little leisure to employ in forming satisfactory opinions on the different parts of this project; several, however, occurred to me, of which I made short notes; they are as follows: You will find the numbers marked ed at the end of the present paragraph.

Note 1. In what capacity are they so to remain? as British subjects or American citizens? If the first, a time to make their election should be assigned.

2. If his Majesty's subjects are to pass into the American territories for the purposes of Indian trade, ought not American citizens to be permitted to pass into His Majesty's territories for the like purpose? No principle ought to be omitted, that the United States indemnify creditors for losses and damages caused by the impediments mentioned.

3. The word had is not sufficiently definite; the object being not only sentence, decree, or judgment, but payment and satisfaction.

4. In the absence of reciprocity, which benefits both parties, should they not be exacted, and not be extended to the whole of this article?

5. Why the commission? Why not leave the river St. Croix to meet and decide in London? Is it not probable that actual visits and surveys, and the testimony and examination of witnesses on the spot, will be necessary?

6. Why confine the navigation of the Mississippi to where the same bounds the territory of the United States?

7. Why should perpetual commercial privileges be granted to Great Britain on the Mississippi, &c., when she declines granting perpetual commercial privileges to the United States anywhere?

8. And this preamble, connected with the treaty as to the negroes carried away, implies that the United States have been aggressors; it also unnecessarily impeaches their judicial proceedings.

9. In the strict sense of the word, ought not more to be asked, than that the United States indemnify creditors for losses and damages caused by the impediments mentioned.

10. The word had is not sufficiently definite; the object being not only sentence, decree, or judgment, but payment and satisfaction.

11. The article ought to be flexible accords according to exchange; this should be fixed.

12. Why not place these captures on the footing with the others, and charge the United States only in cases where justice and complete compensation cannot be had from judicial proceedings?

13. Why provide only for neutral commerce with European nations? The whole of this article is so indefinite as to be useless.

14. What are or shall be deemed contraband in the sense of this article?

15. As the United States have permitted the French to sell their produce in the United States, should not the restriction made to Dutch goods, at the expiration of the present war?

16. There should be an illustration against the imprisonment of each other's people.

17. This united force should be confined to the moment of aggression.

18. Why the word and commerce?

On the 6th September, agreeable to Lord Grenville's appointment, I waited upon him; we spent several hours in discussing the several topics which arose from these notes, and some others, which in the course of the conversation occurred. He promised to take what I had offered into consideration, and manifested throughout the conversation every disposition to accommodate, that could be wished; we may not fairly be able to agree. If we should not, it would, in my opinion, occasion mutual regret, for he believes that the greater part of the cabinet, and particularly Lord Gren-
No. 1 Contains 35515 square miles

No. 2 Contains 32409 square miles
GREAT BRITAIN.

village, are really disposed and desirous not only to settle all differences amicably, but also to establish permanent peace, good will, and friendship, between the two countries. On the 5th of September I received from Lord Grenville the following letter, enclosing the papers mentioned in it, viz:

ST. JAMES'S SQUARE, Sept. 7, 1794.

Sir: In order to narrow as much as possible the objects of our discussions, I have stated in the enclosed paper what appears to me on the different points to which your notes apply, except the second, third, and fourth articles of those notes, which I have reserved for further examination and inquiry. I expect that, by Tuesday or Wednesday at latest, I shall be able to converse further with you on those points, as well as with respect to what you have added. The papers in dispute are those of no great importance, and shall not be included in the following summary, but they certainly do not relate to the least important parts of our negotiation. With respect to them, I can only say, that you shall continue to find me the same openness of discussion, and the same desire to state to you, without reserve, to what I think should be conformed to the object of speedy conciliation, and what the interest and honor of my country, and the duty which I owe to the King, oblige me to insist upon, as necessary for that object. It is with sentiments of very real esteem and respect, that I have the honor to be, &c. &c.

GRENVILLE.

P. S. I also send a note of two alterations to be made in the commercial project in consequence of our conversation of yesterday.

To the Hon. Mr. Jay, &c.

Observations, (enclosed with the above letter.)

No. 1. In consequence of the observation contained in the first remark, Lord Grenville proposes to add, in the first article of the project, after the words "property thereof," at the end of the first paragraph, these words: "and such as are exports of the United States, and not be included in any treaty of commerce, if at the same time, the United States, or to take any oath of allegiance to the Government thereof, but shall be at full liberty to do (if they think proper) within any period after the evacuation of the posts, which period is hereafter assigned to them for making their choice in this respect." Consenting of the length of the first article, now increased by this additional provision, it may be better to divide it into two—the second beginning with the words, "It shall at all times be free," &c. &c.

Articles 2, 3, and 4, reserved for further examination.

5. The commerce in the commodities of the river St. Croix is proposed to be made in London, because it is supposed that the great mass of evidence on the subject is here. A power may be given to them, either to direct a local survey, or to adjoin to America, but it seems very unlikely that this would become necessary.

6. No idea was entertained of confining the mutual navigation of the Mississippi to that part of the river where it bounds the territory of the United States, that the purpose was intended only to have reference to the free admission of British merchants and ships, into the bays, ports, and creeks, of the United States, on the Mississippi; it would have been proposed at all, to what is so distinctly stipulated in the treaty of peace, respecting the British possessions and the purposes of expressly extending that stipulation to every part of the waters now proposed to form a part of the boundary.

7. The right of admission into ports, &c. for the purposes of trade, and the general liberty of commerce, spoken of in this article, are not considered as commercial privileges, such as are usually made the subject of temporary reciprocal treaties of commerce, but to be peculiar to the relations of Great Britain, by no means to decline to give the same rights permanently to America, as with respect to those parts of her dominions which are open to foreign commerce. These rights are, indeed, now generally acknowledged to be incident to a state of amity and good correspondence; and if it is proposed to particularize them, as with respect to the Mississippi, this is done only with the view of removing the possibility of such doubts as were formerly raised upon the subject.

8. On the fullest reconsideration of this preamble, Lord Grenville sees no ground to think it liable to the objection made by Mr. Jay, particularly when compared with the preamble proposed for the fourth article. The provisions of both articles are general and comprehending individuals. The truth of those allegations is referred to the decision of the commissioners. Lord Grenville's opinion respecting the prior agreement of the United States, as well as his reasons for that opinion, are well known to Mr. Jay; but he has no wish to introduce into the proposed treaties any discussion of that point. He is therefore ready to consider any form of words which Mr. Jay may suggest, so as to remove the objections he has to those articles as they relate to individuals, and conciliation between the Governments; and this applies equally to the remarks Nos. 9 and 10.

11. The substitution of the word specie, as suggested by Mr. Jay, seems fully to meet the object here mentioned.

12. What Mr. Jay here desires, was intended to be done, and was indeed conceived to be implied in the general words at the end of the article. But Lord Grenville sees no objection to the insertion of express words for the purpose.

13. Lord Grenville explained to Mr. Jay, this morning, the reason of the insertion of the word Europeans, in the place here referred to. The subject is connected with the larger consideration to which their conversation led, and from the further discussion of which Lord Grenville is inclined to hope that mutual advantage may arise. Mr. Jay will observe, that the subject to which his remark, No. 15, applies, is one instance among many, which might be brought to show that this article would be insufficient.

14. To meet the objection which was this morning suggested in conversation on this article, Lord Grenville would propose the adoption of the following additional article, to come in immediately after the eighth. Lord Grenville has, in conformity to what was mentioned by Mr. Jay, used the words of Vattel:

15. He accordingly proposes to reconsider what is in future to be esteemed contraband, it is agreed that, under the said denomination shall be comprehended, in addition to the articles for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, carriages for cannon, musket rests, bandoleers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horses, horse furniture, holsters, belts, and generally all other implements of war, such as timber for shipbuilding, far, or rosina, sheet copper, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels; unwrought iron and fir planks only excepted. And all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

16. This remark seems also perfectly just, and will be best met by omitting the concluding part of this article.

17. Lord Grenville thinks it highly desirable to maintain this article in its present form.

18. Lord Grenville sees no reason whatever to object to this article.
FOREIGN RELATIONS.

Commercial Project—Observations.

Art. 2. Omit these words: "the same being of the nation on whose behalf they shall be appointed, and not otherwise"; and insert, in lieu thereof, "the same being first approved by the Government of the country in which they shall be so appointed to reside and not otherwise,"

"by which the vessels of the one party shall pay, in the ports of the other, any higher or other duties than shall be paid in similar circumstances by the vessels of the foreign nation the most favored in that respect, or any higher or other duties than shall be paid in similar cases by the vessels of the party itself." Thus, sir, I have given you a very particular and correct account of the negotiation. Many observations and explanatory remarks might be added. I might also inform you, that I had strenuously urged the justice of compensation for the detention of the posts; and that I consider the privilege of trading to the West Indies as providing for claims of that kind. On this privilege, and the probability of its being revived after the expiration of the terms and for its duration, I could urge more, but it does not strike me as necessary to go into further details, nor indeed could I at present find time for the purpose.

It will not escape you that the articles, now under consideration, will doubtless undergo many alterations, before they assume their final form; in which they will either be accepted or rejected; and, therefore, that it would not be properly published them at present. I think that, in the course of a few weeks, the questions, now under discussion, will be decided. No time shall be lost in communicating to you the result.

Another subject remains to be mentioned. It appeared to me advisable that our people should have precise and plain intimation of the maritime law of nations, universally acknowledged, in cases of capture. For that purpose, I applied to Sir William Scott, and requested him, in concert with Dr. Nicholl, to prepare them. We conversed on the subject, and I explained to him my views and objects.

On the 10th of September I received them, enclosed with the following letter from Sir William, which I insert on account of the friendly disposition towards our country which it manifests, and which appears to me to be less uncommon here than we generally suppose, viz:

To His Excellency John Jay, Esq. &c.

SIR: I have the honor of sending the paper drawn up by Dr. Nicholl and myself; it is longer and more particular than, perhaps, you expected, it would not appear to be an error on the better side rather to be minute, than to be too reserved, in the information we had to give; and it will be in your excellency's power either to apply the whole or such parts as may appear more immediately pertinent to the objects of your inquiry.

I take the liberty of adding that, in two or three times, I think myself was particularly honored by any communications from you, either in writing or otherwise, on this subject, or after your return, on any subject in which you may suppose that my situation can give me the power of being at all useful to the joint interests of both countries; if they should ever turn upon points in which the duties of my official station appear to me to impose upon me an obligation of reserve, I shall have no hesitation in saying that I feel them as much. On any other points on which you may wish to have an opinion from me, you may depend on receiving one that is formed with, as much care as I can use, and delivered with all possible frankness and sincerity.

I have the honor to be, with great respect, &c.

WILLIAM SCOTT.

COMMONS, September 10, 1794.

Paper enclosed in the foregoing letter.

SIR: We have the honor of transmitting, agreeably to your excellency's request, a statement of the general principles of proceeding in prize causes, in British courts of admiralty, and of the measures proper to be taken when a ship and cargo are brought in as prize within their jurisdictions.

The general principles of proceeding cannot, in our judgment, be stated more correctly or succinctly, than we find them laid down in the following extract from a report made to His late Majesty, in the year 1753, by Sir George Lee, then Judge of the Prerogative Court, Dr. Paul, His Majesty's Advocate General, Sir Dudley Ryder, His Majesty's Attorney General, and Mr. Murray, (afterwards Lord Mansfield) His Majesty's Solicitor General:

When two Powers are at war, they have a right to make prizes of the ships, goods, and effects of each other, upon the principles of law and equity. The property of the enemy may be acquired by capture at sea; but the property of a friend cannot be taken, provided he observes his neutrality.

Hence, the law of nations has established, that the goods of an enemy, on board the ship of a friend, may be taken.

That the lawful goods of a friend, on board the ship of an enemy, ought to be restored.

That contraband goods going to the enemy, though the property of a friend, may be taken as prizes; because supplying the enemy with what enables him better to carry on the war, is a departure from neutrality.

That the casual property and prizes generally received, there is an established method of determination, whether the capture be, or be not, lawful prize.

Before the ship or goods can be disposed of by the captor, there must be a regular judicial proceeding, wherein, both parties may be heard, and condemnation thereupon as prize, in a court of admiralty, judging by the law of nations and treaties.

The proper and regular court for these condemnation is, the court of that State to whom the captor belongs.

The evidence to acquit or condemn, with, or without, costs and damages, must, in the first instance, come from the master and crew taken, viz: the papers on board, and the examination, on oath, of the master, and other principal officers: for which purpose, there are officers of admiralty in all the considerable sea ports of every maritime Power at war, to examine the captains, and other principal officers, of every ship, brought in as a prize, upon general and impartial interrogatories: if there do not appear from thence ground to condemn, as enemy's property or contraband, that comes to the enemy, there must be an acquittal, unless, from the aforesaid evidence, the property shall appear so doubtful, that it is reasonable to go into further proof thereof.

A claim of ship or goods must be supported by the oath of somebody, at least as to belief.

If the evidence of nations requires good faith; therefore, every must be provided with complete and genuine papers, and the master, at least, should be privy to the truth of the transaction.

To enforce these rules, if there be false or colorable papers; if any papers be thrown overboard; if the master and officers, examined in preparatory, grossly prevaricate; if proper ships' papers are not on board; or if the master and crew cannot say whether they have or not, contraband goods, or effects, and of nations allows, according to the different degrees of misbehavior or suspicion, arising from the fault of the ship taken, and other circumstances of the case, costs to be paid, or not to be received, by the claimants, in case of acquittal and restitution; or, on the other hand, if a seizure is made without probable cause, the captor, under a severe penalty, gives security for their good behavior; and this is referred to, and expressly stipulated, by many treaties.

Though, from the ships' papers, and the preparatory examinations, the property does not sufficiently appear to be neutral, the claimant is often indulged with time to send over affidavits to supply that defect; if he will not show the property, by sufficient affidavits, to be neutral, it is presumed to belong to the enemy. Where the property appears from evidence not on board the ship, the captor is justified in bringing her in, and excused paying costs, because he is not in fault; or, according to the circumstances of the case, may be justly entitled to receive his costs.
If the sentence of the court of admiralty is thought to be erroneous, there is, in every maritime country, a superior court of review, consisting of the most considerable persons, to whom the parties, who think themselves aggrieved, may appeal, and this superior court judges by the same rule which governs the court of admiralty, viz: the law of nations, as well as the treaties, if the point be one within the public interest, or of considerable magnitude, and if the appeal be made within a party before the law of nations, or within the time allowed by the court of admiralty.

If no appeal is offered, it is an acknowledgment of the justice of the sentence by the parties themselves, and conclusive.

In this manner of trial and adjudication is supported, alluded to, and enforced, by many treaties.

In this method, all captures at sea were tried, during the last war, by Great Britain, France, and Spain, and submitted to by the neutral Powers; in this method, by courts of admiralty acting according to the law of nations, and particular treaties, all captures at sea have immemorially been judged of in every country of Europe. Any other manner of trial and adjudication would be manifestly unjust, absurd, and impracticable.

The principles are which govern the proceedings of the prize courts.

The following are the measures which ought to be taken by the captor, and by the neutral claimant, upon a ship and cargo being brought in as prizes:

Immediately upon bringing his prize into port, sends up, or delivers upon oath, to the registry of the court of admiralty, all papers found on board the captured ship. In the course of a few days, the examination in preparatory, of the captain and some of the crew of the captured ship are taken upon a set of standing interrogatories, before the commissioners of the port to which the prize is brought, and which are also forwarded to the admiralty, as soon as a motion is extracted by the captor from the registry, and served upon the foreign Exchange, notifying the capture, and calling upon all persons interested to appear, and show cause why the ship and goods should not be condemned; at the expiration of twenty days, the motion is returned into the registry with a certificate of its service, and, if any claim has been given, the cause is then ready for hearing, upon the evidence arising out of the ship's papers, and preparatory examinations.

The measures taken on the part of the neutral master, or proprietor of the cargo, are as follows:

Upon being brought into port, the master usually makes a protest, which he forwards to London, as instructions (not always) to the correspondent of his owner, or to the consul of his nation, in order to claim the ship, and such parts of the cargo as he is particularly entrusted; or the master himself, as soon as he has undergone his examination, goes to London to take the necessary steps.

The master, correspondent, or consul, applies to a proctor, who prepares a claim, supported by an affidavit of the claimant, stating briefly to whom, as he believes, the ship and goods claimed, belong, and that no enemy has any right or interest in them. Security must be given, to the amount of sixty pounds, to answer costs, if the case should appear so grossly fraudulent on the part of the claimant as to subject him to be condemned therein.

This security is usually given and taken within thirty days, as he is strictly enjoined, both by his instruction and by the prize act, to proceed immediately to adjudication) a process issues against him on the application of the claimant's proctor, to bring in the ship's papers and preparatory examinations, and to answer to them in the usual way.

As soon as the claim is given, copies of the ship's papers and examinations are procured from the registry, and upon the return of the monition, the cause may be heard. It, however, seldom happens, (owing to the great pressure of business, especially at the commencement of a war) that causes can possibly be prepared for hearing immediately upon the expiration of the time for the return of the monition. In that case, each cause must necessarily take its regular turn; correspondent measures must be taken by the neutral master, if carried within the jurisdiction of a vice admiralty, by giving a claim, supported by his affidavit, and offering security for costs, if the claim should be pronounced grossly fraudulent.

If the claimant is dissatisfied, he may appeal to the admiralty, and in that case, his proctor enters an appeal in the registry of the court where the sentence was given, or before a notary public, (which regularly should be entered within fourteen days after the sentence) and he afterwards applies at the registry of the lords of appeal in prize causes (which is held at the same place as the registry of the high court of admiralty) for an instrument called an inhibition, and which should be taken out within three months, if the sentence be in the high court of admiralty, and within nine months, if in a vice admiralty court, but may be taken out at later periods if a reasonable cause can be assigned for the delay that has intervened. This instrument directs the judge, whose sentence is appealed from, to proceed no further in the cause until the inhibition is quashed, or is made void, or is presented in the court of appeal, by the person who has obtained the sentence, to appear before the superior tribunal to answer the appeal. On applying for this inhibition, security is given on the part of the appellant, to the amount of two hundred pounds, to answer costs, in case he appear to the court of appeals that the appeal is merely vexatious. The inhibition is to be served upon the judge whose sentence is appealed from, it is to be put in the custody of the registrar of the court of appeal, and delivered by a copy or certificate of the contents.

If the party cannot be found, and the proctor will not accept the service, the instrument is to be served "via o modali," that is, by affixing it to the door of the last place of residence, or abode, of the judge whose sentence is appealed from, and that part of the instrument above described, which is to be executed abroad, may be performed by any person to whom it is committed, and the formal part performed by the officer of the court; a certificate of the service is endorsed upon the back of the instrument, sworn before a surrogate of the superior court, or before a notary public, if the service is abroad.

If the cause be adjudged in a vice admiralty court, it is usual, upon entering an appeal there, to procure a copy of the proceedings, which the appellant sends over to his correspondent, in England, who carries it to a proctor, and the same steps are taken to procure and serve the inhibition, as where the cause has been adjudged in the high court of admiralty. But the proceedings cannot be procured in due time, an inhibition may be obtained, by sending over a copy of the instrument of appeal, or by writing to the correspondent an account only of the time and substance of the sentence.

Upon an appeal, fresh evidence may be introduced, if, upon hearing the cause, the lords of appeal shall be of opinion that such fresh evidence ought to be heard.

Further proof usually consists of affidavits made by the asserted proprietors of the goods, in which they are sometimes joined by their clerks, and others acquainted with the transaction, and with the real property of the goods claimed. In corroboration of these affidavits may be annexed original correspondence, duplicates of bills of lading, or securities produced by the affidavits of persons who can speak to their authenticity; and if copies or extracts, they should be collated and certified by public notaries. The affidavits are sworn before the magistrates or others, competent to administer oaths in the country where they are made, and authenticated by a certificate from the British consul at the port.

The degree of proof required to be depended upon the degree of suspicion and doubt that belongs to the case.

In cases of heavy suspicion and great importance, the court may order what is called " plea and proof?" that is, instead of admitting affidavits and documents introduced by the claimants only, each party is at liberty to allege, in regard to the property of the goods, its title or construction, as well as such other evidence as may be necessary for support of the allegations, to whom the adverse party may administer interrogatories. The depositions of the witnesses are taken in writing. If the witnesses are to be examined abroad, a commission issues for that purpose; but all commissions in English, and the several commissions in all cases where the court may find it necessary, for the purposes of justice, to decree an inquiry to be conducted in that manner.

With respect to captures and condemnations at Martinique, which are the subjects of another inquiry contained in your note, we can only answer, in general, that we are not informed of the particulars of such captures and condemnations; but as we know of no legal court of admiralty established at Martinique, we are clearly of opinion that
the legality of any prizes taken there, must be tried in the high court of admiralty of England, upon claims given, in the manner above described, by such persons as may think themselves aggrieved by the said captures.

We have the honor to be, &c.  

WM. SCOTT.  
JOHN NICHOLLS.

COMMONS, September 10, 1794.

I take the liberty of advising that these instructions, with a proper title prefixed, be printed in a pamphlet, and published for general information.

You will find, herewith enclosed, a copy of the instructions of the King and council, revoking the order to capture neutral vessels laden with corn, &c. bound to France. A gazette of 6th September, containing an order restraining impressments, &c. and a gazette of 9th September, containing a copy of the order of 6th August, relative to appeals and claims, of which copies have already been sent to you.

I have the honor to be, &c.  

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 16.  
LONDON, September 14, 1794.

Sir:  
Mr. Morris will, together with this, deliver to you a long letter from me, dated yesterday.

The negotiation proceeds; and I now have some reason to hope, that the business of the northernwestern corner will be so managed as to cease to be an obstacle to agreement.

I have proposed that the further discussion of that matter be postponed, until accurate surveys of the river be made, by joint commissioners, at joint expense; and I do flatter myself that this proposition will be adopted. Of this I cannot yet be certain, but it is, however, my present opinion that it will.

I have the honor to be, &c.  

JOHN JAY.

P. S. I wrote to you (No. 14) 23d August last, by Captain Scott, to Boston. My letter of yesterday is No. 15.

Mr. Randolph to Mr. Jay.  
PHILADELPHIA, September 17, 1794.

Sir:  
Your letter of July 9, 1794, referring to a long and particular letter of the 6th of the same month, having reached me yesterday, unaccompanied by the letter, we are thrown into a painful anxiety. My calculation has, however, been, that the Portuguese minister, who is said to have arrived at New York from London the day before yesterday, may have been charged with it. As you speak of having closed it on the eighth, and by sending no duplicate in that of the 9th, you seem to have intended them both for the same vessel.

The copy of the acts passed during the last session of Congress were probably sent to New York from my office to you, as Chief Justice, and may have been forwarded from there by you, in combination of being destined for you in your diplomatic character. But it will appear, from the enclosed list of papers, transmitted to you from time to time, that no opportunity occurred to me, after the complete publication of those laws, until the 30th of July. Nothing has ever been enclosed to you without some explanatory notice of it.

The same list will show, if the letters noted there have not got to hand, how many have been written by me, and repeated by duplicates. In them the events which gave occasion to my correspondence with Mr. Hammond, and the expiration of the embargo, are detailed. The justice which you do me in suspecting that my letters were still on the way, I beg you to continue; as every occurrence bearing the most distant affinity to your mission, has been immediately minuted down, and conveyed by the first vessel. But there is too much reason to fear that the reluctance of most captains of ships to receive letters which contain a particle of politics; their readiness to surrender them to cruisers; and the little care taken of packages, after they are landed, will disappoint both you and myself very frequently. In these times, it is no small labor to search out the names, and ports of vessels, about to sail for Europe.

With the names of the new British ministry before us, we predict nothing favorable to the United States, from this interweaving of parties. Without bringing a better disposition towards us, the projects may possibly render the operations of the cabinet more cordial to the nation; and if Lord Dorchester's and the Government in movements, be indications of the purposes of Government; or the reports be true, that our vessels are still seized upon the old principles, without mercy, in Bermuda and the West Indies, any popularity of the ministry is so much against us.

My letter of August 30th, enclosing copy of Mr. Charles Williamson's, of the 18th, together with another of the 19th, enclosing duplicates of the 18th and 20th of August, will develop the threat against the settlement at Sodus; and in conjunction with John Kelley's affidavit, and Mr. Williamson's letter of the 1st instant, furnish the latest situation of this business.

You will have collected from my past letters, that Thursday last, the 11th instant, was allotted for the taking of the votes in the insurgent counties of Pennsylvania, whether the terus settled between the commissioners of Government and the committees appointed by them should be accepted; and yesterday for the report to Mr. Ross, one of those commissioners; who undertook to attend at Uniontown, in Fayette county; We hope for a peaceable result; but the whole body of fifteen thousand militia are in motion, and incredible fervor has possessed all orders of people here; even many respectable Quakers have entered the volunteer ranks; three troops of horse, and a large body of infantry, are now in view; the Jersey, Maryland, and Virginia militia, are advancing, in order to strike, if the overtures shall have been rejected. The insurrection will be quelled, be assured, and if any of whom you may address yourself, shall draw inferences of disunion, and retract their good temper, they will be totally disappointed. You will instantly call to mind the course of governments and human nature; and be persuaded that the universal rising of a people, against a handful of insurgents, scarcely the seventieth part of the Union; ignorant, poor, and unprovided with military means, will shoo the roots of that Government deep.

I have the honor, to be, &c.  

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 17.  
LONDON, September 18th, 1794.

Sir:  
You will receive, herewith enclosed, duplicates of my letters of the 13th and 14th of this month, which were committed to the care of Mr. Robert Morris, junr. who was to have sailed last Monday, in the Sanson, Captain Smith, for New York; I have since heard that he did not sail on that day, and, indeed, I am not certain that the Sanson has yet left Deptford; the last of these letters was a very short one, intended together with another of the 19th instant, enclosing duplicates of the 18th and 20th of August, will develop the threat against the settlement at Sodus; and in conjunction with John Kelley's affidavit, and Mr. Williamson's letter of the 1st instant, furnish the latest situation of this business.

I have the honor, to be, &c.  

EDM. RANDOLPH.
endeavor to settle these questions, and others connected with them, while the parties remained uninformed of the actual extent, and other material circumstances of the case; and thereupon proceeding that all discussions on these subjects be postponed until a survey of the river shall have been made, and lastly, directing that it be made by joint commissioners, at joint expense, and specifying particularly the manner of its being done.

Lord Grenville received, and conversed with me about this article, in his usual temperate and candid manner; and I expect in a few days to have his answer.

Facilities for our ships in the East Indies, and several other interesting matters, are under consideration, and upon the whole, the probability of our finally agreeing increases.

Mr. Randolph to Mr. Jay.  
PHILADELPHIA, September 20, 1794.

SIR:  
The mail of yesterday from New York undeceived me in my expectation of your favor of the 6th of July, 1794, being in the hands of the Portuguese minister, as I mentioned in the letter which I had the honor of writing to you on the 17th instant, acknowledging the receipt of yours of the 9th of July, and which will go, together with this, by the steamer destined to Liverpool. I have now before me your letters of the 6th, 12th, and 16th of July, 1794.

Answer to that of July 6th.

Your letters, thereto referred, to have come to hand. When you recollect the circumstances of the captures under the directions in my letter of the 6th of July, you will not be surprised that none of them had been laid before Lord Grenville, or transmitted to Mr. Pinckney. The merchants had been, for a considerable time, invited by Government to collect the various oppressions of our trade, and forward them to the Department of State. This induced the opinion that the Executive would take up the several cases on public ground; and they were, therefore, consigned to the management, as far as they related to England, where they entered. At the beginning of the last session of Congress, the President informed them by message, that progress had been made in the assembling of the various complaints, and afterwards a summary statement was reported to both Houses. The Senate required an abstract of each case, which produced a further delay; and the different fluctuations of temper, and diversity of projects with respect to Great Britain, stagnated the measures of the Executive, and of the individuals interested, until the whole of the business was concentrated in your mission.

But the call for particular cases by Lord Grenville is, notwithstanding the frankness, candor, and promptness to discussion, hitherto shown by him, somewhat insipid. For if the principle of those instructions is not to be relinquished, and compensation shall be admitted to be due only where some striking injustice or hardship shall be attached to peculiar examples, it will be only here and there that we shall be retributed, and our discontent will continue in their full aspersion. And, indeed, we apprehend that a broad scale of satisfaction could not be contemplated by his lordship, when he expressed that there might be such state of things, as to render it necessary to proceed to a war, or that all the free rights of British commerce were to be annihilated. But, I beg you to believe that, even if my conjectures on this head should fortunately be true, yet there is not a man in the United States who more thoroughly persuaded, than myself, of your exertions to repel the consequences of an attempt to support the intolerable severity of the principle, without the sapping of which complete relief is scarcely to be expected.

The list of captures, with which you were furnished, was not intended to be more than the forerunner of the documents which have since reached you, and were to be sent to you in ample form, by Mr. Higginson. But although Marion Watson's situation was not known to me at the time of delivering his case to you, it has since turned out to be as appears in the enclosed short statement. Of the progress made by Mr. Higginson up to his death, you have been apprised in my letters of the 15th July and 11th August. His widow is possessed of several papers, probably records, which have been withheld from me, on account of their having come in a vessel infected with the yellow fever. As soon as they are certified, I shall despatch them to you; and further measures will be pursued for obtaining the other records from the admiralty courts in the West Indies. But with you not have an immense labor, the duration of which cannot be easily foreseen, if you are personally to discuss each case, instead of leaving the matter (as was supposed to be best) to some subsequents of characters?

Whatever may be necessary and proper to be said, on the part of the President, relative to the satisfactory reception given you by the King and Queen, is submitted to your judgment.

I have the pleasure of informing you that the President approves of your letter to Lord Grenville, on the 3d of July, 1794; and while he is desirous of the expedition in the conduct of negotiation, he thinks, with you, that it ought not to be pushed beyond the dictates of prudence; but that it is expedient to be guided by occasions and circumstances, and to give every conciliatory application a fair experiment. It is his wish, too, that the characteristic of an American minister should be marked, on the one hand, by a firmness against improper compliances, and on the other by sincerity, candor, truth, and prudence, and by a horror of lineage and chicanes. These ideas, however, will not oppose those temperate and firm representations which you meditate, should your present plan fail. For it is fair, and indisputable, in the event of a rupture, to divide the nation from the Government. The system of peace begun by the President will be adhered to, so far as his functions are concerned, until he is driven from it by the British Government.

Before this letter arrives, Mr. J. Q. Adams will have presented himself to you, and obviated the inconveniences noticed in Mr. S. Bourne's letter to you.

Answer to that of the 12th of July, 1794.

The President approves the agreement that, during the present negotiation, and until the conclusion of it, all things remain and be presented in such a form, that the Department is invited to issue correlative orders, and the Department of State to notify the Governors in the neighborhood of those scenes to which the agreement relates.

Answer to that of the 16th of July, 1794.

The despatches to Mr. Hammond, enclosed in your letter of this date, were yesterday sent off by express to that gentleman.

The conduct of the captain of the William Penn is a specimen of the numerous retardments which the negligence of persons in his line may bring upon our correspondence. His owners certainly gave the box most sincerely into his care. That you will find several papers, not very important to you, is certain; and I observed in a former letter that they were imperfect. Still it was necessary that they should be forwarded to you; and I am happy to discover that they have been acceptable to you. I have furnished, from time to time, every thing which I could collect.

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Mr. Jay to Mr. Randolph—No. 18.

London, October 2, 1794.

Sir: You will, I hope, receive my letters, viz. No. 15 and No. 16, by Mr. Robert Morris, Jr. who lately sailed in the Sansom, for New York. Duplicates of them, and No. 17, were committed to the care of Captain Loxley, of the Pigeon for Philadelphia; those dispatches are interesting.

This will be delivered to you by Captain Morgan of the Brig Molly, who will leave this place for Philadelphia this evening.

I can add nothing of importance to my late communications, except that we are occupied in endeavoring to incorporate the Philadelphia beverage establishment and consider a treaty of commerce and friendship, and have proposed several additional articles. My hopes of agreement are not abated, but still the issue is uncertain. I think a few weeks more will enable me to inform you of the final result of the negotiation.

On the 29th ult. I received a few lines from you, by the way to Cork, of 15th August, informing me “that Mr. James King, the owner of the schooner Nancy, the papers in whose case had been forwarded as far as they were received, had that moment laid before you a copy of the record. That, from the whole proceedings, it appeared that she was acquitted at Nassau, upon the payment of costs, and that the captors had appealed. That as this vessel was of the 12th rate, and now lie as a prize to the British crown, I must give directions for the employment of counsell in behalf of the United States, unless some adjustment, which I might make with the British ministry, on general grounds, should supersede the necessity of such a step.”

I am thus particular in reciting this letter, because it seems to countenance implications and admit doubts which embarrass me.

In the case of the schooner Nancy, you desire me to employ counsel in behalf of the United States.

From this I think I must conclude generally, that the prosecution of the appeal in this case is to be carried on by and at the expense of the United States and that I am to act accordingly.

The reason assigned for this measure is, that because this vessel and her cargo came within the catalogue of spoliations. It is intended that the like measure should be taken with regard to all or any other vessel and cargoes within that catalogue. Is this case regarded as discriminated from the others?

I wish to know precisely what is expected from me relative to these subjects; and be assured that I will faithfully endeavor to fulfill your intentions, whatever their latitude or limitations may be.

I have the honor to be, &c.

P. S. Be so obliging as to send the enclosed letter for Mrs. Jay by the post.

Mr. Randolph to Mr. Jay.

Philadelphia, October 11, 1794.

Sir: On the 7th current I was honored by your three letters of the 30th and 31st of July, and 3d of August, 1794; to day by your favor of the 21st of August, 1794; by the conveyance of this letter, which is as yet unknown to me, I repeat duplicates of my former letters of the 18th, 17th, and 30th of September, with their several enclosures.

Having been absent from a catalogue of the law in Virginia for more than four years, I have written to a professional friend there for an accurate statement of the laws of that State, relative to the evidence of bond debts. His answer shall be forwarded. In the mean time, however, I have sufficient confidence in my knowledge of those laws up to July 1794, and in my attention to the others which have been published at the close of each session since. To give the following information. To debts due to British inhabitants of the colonies, a great facility of proof was afforded by the British statute of the 5th of Geo. 3d. c. 7. This statute prevailed until the Revolution; when, with all other acts of Parliament not specially adopted, it necessarily expired. It is worthy, too, of remark, that the date of its enactment is long subsequent to that on which British legislation ought to have ceased. I mean the 4th of James the Ist, which was the general limitation of the operation of British statutes in Virginia, even before the war; although, indeed, you recollect a principle, which our inability to resist sanctioned, that statutes, after that epoch, expressly naming the colonies, were permitted to operate. The advantages which the ex parte proof, warranted by the statute, gave to the British resident, were immense. But it is generally understood, though I believe it has never been adjudged, that this privileged form of evidence was not so much of the essence of the contract as to be revived with it.

In the year 1748 the act of Assembly, No. 1, was passed upon the same subject, and continued in force until the year 1786, in the May of which year a new act, No. 4, was substituted. I happened to be clerk of the House of Delegates in Virginia when this last act was moved. The reason assigned was to abolish credit in merchandise, the facility of which had transferred multitudes of fortunes to transatlantic creditors. I recollect, too, that the nation which could give the longest credit, and speak our language, was considered as having too great an ascendancy over its commerce, and this law was designed to produce equality in the struggle by extinguishing credit. However, the consequence is, that the rule bears upon all people, British, French, Americans, and even Virginians in particular. Not a shilling of the old British debts can be affected. Who, then, can complain? I firmly believe that no posterior regulation will adduce the evidence of both debts remaining in Virginia.

Be assured, sir, that I will co-operate with you here, in the very laudable example of moderation which you have set on the other side of the water. I wish that I had any reason to expect a return of temper from the British minister with us. But he shall not lead me astray.

October 13th. Your favors of August 26th and 9th are now received.

If the instructions which Sir William Scott shall prepare, relate in any part to the giving of security, do not Higginson's, of which you carried a copy, show that the Government means to sustain the expenses of prosecution? I take the liberty of hinting this, that the demand for security is raised in the acts of Congress in the struggle against the insurgent country, or to return to the meeting of Congress on the 3d day of next month. I rather believe that he will return, because the submission to the laws is now nearly, if not absolutely universal; and the corps which may be required to overawe any latent spark of insurrection, and its object, are too small to demand his immediate presence.
Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 20, 1794.

Sir:—My letter of the 11th instant, concluding with the date of the 19th, has been sent to Mr. Praggs, whose vessel goes for Amsterdam ultimately, but immediately for an English port. Having left the completion of the references in that letter to another hand, I now find, that the report of the commissioners has been omitted; and hasten to supply the defect by the same conveyance.

Nothing has yet transpired from the President since the 10th instant. I suspect that he has proceeded to Fort Cumberland. Still remain under the persuasion that military opposition from the insurgents is not to be expected; although it may be expedient to adopt arrangements for continuing a certain force to cover something definitive should come from you. This was not my opinion; but we were obliged to acquiesce, as no proper successor appeared to our view. I have no doubt that you will see the necessity of entering into some stipulation, which may prevent the sufferers under British decrees from being barred by the time, which, under these circumstances, may elapse before the appeals and claims can be filed.

I have sent instructions to Bermuda for procuring the records of condemnation there. But, from every account, British cruisers, who are the Prince of Praverters, in somnambulism in his influence over all classes of men in that island, that he may contrive to retard the dispatch of vessels. Indeed, the captures by cruisers issuing from thence, are more numerous than ever, and are multiplying every day. I am hourly asked how these things accord with pacific intentions.

The yellow fever, whatever may have been said to the contrary, has produced no alarm; no removal from this city; and if it was reported at all, the instances of its prevalence were few, and the traces of it are now absolutely obliterated. In Baltimore it is supposed to have been severe, but even there it has perfectly vanished.

General Wayne's success is announced in the paper of Bache, of October 2d.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, October 29, 1794.

Sir:—Duplicates of the two last letters which I had the honor of writing to you on the 19th and 20th current will accompany this letter. They are intended for the Wilmington, for Bristol, from this port.

On Tuesday next, the Adriana will carry to London Mr. Samuel Bayard. In consequence of your recommendation that an agent should be sent, that gentleman goes over, with the approbation of the merchants of this city, interested in British captures, for the objects designated in your favor of the 23d August. When I convened them for the purpose of consultation, they seemed to me to hesitate that meddling would be at all in a business which they considered as taken wholly into the hands of Government. But, after many explanations and assurances that the impressions which passed between us, they resolved to appoint a committee, who should act in concert with me. That committee accordingly wrote to me to transmit the enclosed letters.

I accepted their proposal, as they expressed; because I knew it to be consistent to the views of the President, who has this day signified his approbation. The merchants will immediately push on the appeals and claims as last as the documents can be forwarded to London by their correspondents in the Islands. Too much time cannot be allowed for this purpose, they all desire being considered. We were, however, embarrassed by the inquiry whether it was necessary that these appeals and claims should be entered in the Islands. I did not think that the Company might change the course of admiralty courts, so as to permit them to be instituted in England. But it did not sufficiently appear that this was your meaning. I therefore proposed, that the persons who procured the records in the West Indies should file appeals and claims there, if contrary to my expectation it should be required in ordinary practice. This, they replied, was impracticable; alleging that neither their own credit, nor that of the United States, could obtain the enormous security which is demanded. So much of the fact as relates to the United
States is verified by one of Mr. Higginson’s letters, and what relates to themselves comes from a pure source. I therefore suggested this expedient: that Mr. Bayard should immediately on his arrival apply to you for information, whether the appeals and claims must begin in the Islands: that, if this should be found to be according to the usual course required, you should be requested, if it were possible, and proper under all circumstances, to attempt except from the general rule these instances, in which security would be so serious a difficulty, and so great an impediment to navigation: that this modification was unattainable, you would endeavor to stipulate for the giving of security in England: and, if at length nothing could be done but in the West Indies, letters of credit might be solicited from some mercantile houses in London to their correspondents in the islands, to induce them to join in the necessary bonds.

The President has confirmed this further branch of the arrangement, and Mr. Bayard can be used by you, in the execution of it, in any manner most agreeable to yourself. Although no special clause is inserted in your instructions with an eye to this shape of the affair, yet it cannot be necessary to send you formal and ostensible powers, to enable you to authorize Mr. Bayard to sign these bonds, or to seek out these letters of credit. But you are hereafter to use at your own discretion the most ample liberty to vest him with the authority necessary for effectuating the foregoing purposes. This is particularly, lest you should not conceive in the opinion which I hinted in my letter of the 20th of September last, that, from the expression which relates to security in Higginson’s instructions, and the latitude of your own powers, you might delegate such an authority, even without a special declaration to that effect, in this place.

For the reasons assigned in my letter of the 11th instant, the President concurs in the measure of not publishing yours, No. 10. The memorial and answer which it contained are running through all the papers of the United States.

The return of the President from the militia army confirms, what I have often written to you, that the insurrection would not venture to show any degree of military opposition. Many of the insurgents have been arrested in different quarters, where their force, if they had any, must have been; but the arrests were perfectly quiet, and free from resistance. The army has, however, marched to the centre of the disaffected counties, to impress and overawe. Some force will, no doubt, be left behind, to complete the work. I shall endeavor to send, by Mr. Bayard, the speech which the President will deliver to Congress some time in the next, week, as I presume that he will think the insurrection too important a subject to be passed over without notice. The newspapers will go by the same commission.

To prove to you the thoughtless severity which the British captains are disposed to exercise upon our citizens, under the name of piracy, I enclose to you my letter, of the 53rd instant, to Mr. Hammond, and his disavowal of what he calls the alternative proposed to be his orders.

I also enclose Mr. Hollins’ letter, and shall inform him that I mean to transmit it to you, that it may pass into the agent’s hands.

I shall write again by Mr. Bayard, and, in the mean time, have the honor to be, with sentiments of the highest respect and esteem,

EDMUND RANDOLPH.

Mr. Jay to Mr. Randolph—No. 19.

LONDON, October 29th, 1794.

SIR: I have been favored with yours of the 15th, 18th, and 20th of August, and of the 5th, 12th, 17th, and 20th of September last.

Although I have materials for another letter as long and particular as the one which I had the honor of writing to you on the 13th of September, yet sufficient time for details cannot possibly be spared from the business of the negotiation. I must confine myself to generals, and postpone a minute statement of the negotiations which have taken place since the date of that letter to a future opportunity.

You have been informed that we had agreed to incorporate the two projects, viz: of a settlement and of a commercial treaty. I undertook this business, and prepared a draught, including most of the articles in those two, and adding several others, but all of them for mutual consideration. From these, Lord Grenville, extracting several, omitting some, and adding others, formed a new draught. Difficulties have appeared, and been discussed; some have been removed, some lessened by proposed modifications, and a few still remain. It was proposed that goods for the Indian trade should pass from the Indians within the United States, duty free: to this I could not consent. It has been proposed that alien tonnage and impost should cease: to this there also appeared to me to be very strong objections. I think the former may be yielded, in some degree, to us; as to the latter, I cannot yet form a judgment.

We spent several hours, on Friday and yesterday, in these discussions, and they will be resumed to-morrow morning. The object that indicates a desire to protract, and I think it cannot be carried before the negotiation terminates either in a treaty, or in a certainty that an amicable settlement is impracticable.

All propositions relative to a new line in our northwestern corner are suspended. We have agreed that the river shall be surveyed, and its source ascertained. I think Canada and its Indian trade will be opened to us, but not the navigation of the St. Lawrence from the sea.

Although a more early day than the 1st of June, 1796, cannot be had for the evacuation of the posts, (for reasons which shall hereafter be intimated) yet we agreed yesterday to add, “the United States, in the mean time, extending their settlements to any parts within their boundaries, except within the precincts of any of the posts.”

I wish to take particular notice of your letters, but, really, sir, I cannot do it now.

I feel very sensibly the confidence reposed in me by the permission to take such notice of my reception here as I might judge proper. The following is a copy of the letter which I have written to Lord Grenville on that subject:

ROYAL HOTEL, PALL MALL, October 27, 1794.

My Lord:

The President, having been informed of the gracious reception with which their Majesties were pleased to honor me, has charged it my duty to assure them of the sense he entertains of that pleasing mark of attention to the United States. He flatters himself that a negotiation, commenced under such favorable auspices, and conducted with a correspondent disposition to conciliation, will terminate in a settlement mutually satisfactory and beneficial.

He requests His Majesty to be persuaded that he will continue to promote every measure that may conduco to this desirable event; and that the United States will, with pleasure and alacrity, cherish the concord and good will which will naturally result from it. I am convinced, my Lord, that this communication will derive advantages, from the manner in which you will convey it to their Majesties; and I am the more gratified in addressing it to your Lordship, as an additional opportunity is thereby afforded me of assuring of you the respect and esteem with which I have the honor to be your Lordship’s, &c.

The Right Honorable Lord GRENVILLE, &c.

I am preparing an official representation, touching unfriendly interferences with the Indians, and I have reason to believe that a satisfactory answer will be given to it.
Sir: I do myself the honor of writing to you, merely to inform you that I have now received an assurance from Mr. Marshall, (whom you know) of Virginia, that the statement, which I made to you in my letter of the 29th ult. on the evidence of British debts, is accurate. Mr. Bayard sails on the 6th instant, by whom I shall enclose a copy of Mr. Marshall's information, and of the President's speech.

There was not a sufficient number of either House of Congress to proceed to business to-day. To-morrow a quorum is certainly expected.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, November 3, 1794.

Sir: Notwithstanding Monday last was appointed for the meeting of Congress, a quorum of neither House then appeared. On Tuesday the Representatives assembled in sufficient numbers; but the Senators are yet four short of a majority. This stagnates the communication from the President, and deprives me of an opportunity of adding more at present than the enclosure of Mr. Marshall's letter, mentioned in mine of the 3d instant, and the great respect and esteem with which I have the honor to be, sir, &c.

EDM. RANDOLPH.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, November 7, 1794.

Sir: There is no prospect of Congress assembling until the day after to-morrow; and Mr. Bayard is compelled, by the sailing of the Adriana, to leave us to-morrow; I am therefore deprived of the pleasure of sending you the President's speech.

My answer to the letter from the committee of merchants, which I had the honor of enclosing to you on the 29th ultimo, is now forwarded, together with the newspapers.

 Permit me to remark to you that there are some cases of spoliation and vexation, which do not strictly come within the compass of admiralty jurisdiction, or have been denied relief, and are not, as far as I can discover, within the stipulations between yourself and Lord Grenville: for example, plundering of goods; violence to the person; loss of freight, &c. where an acqutial has taken place, or no trial has been had. I own that these instances, especially where they have never been before a court, do not admit an easy remedy, if the amenability of the British Government be considered, because they have probably proceeded from privateers; and, having never been brought before a court, that Government cannot readily obtain cognizance of them. However, if it be practicable to make a reservation, for the introduction of them before commissioners, or in any manner which can ultimately create a resort to that Government for satisfaction, it will be extremely acceptable to the persons interested. As to the refusal of redress by the courts, perhaps this reservation may be obtained.

Mr. Fitzsimons has just informed me that, when Martinique and Gaudaloupe were taken, a very large property of American merchants was found in the warehouses there, and carried off or destroyed. I asked him for the documents and proofs; he has promised to send them. If such losses are susceptible of a remedy, I am persuaded that your attention will be drawn to them.

The duplicates, now sent, are of the following dates: October 29, November 3d and 7th, 1794, together with their several enclosures.

I have the honor to be, sir, &c.

EDM. RANDOLPH.

[Note.—The following despatches from Mr. Jay, and letters from the Secretary of State, with the exception of despatch No. 22, were not communicated to the Senate with the treaty.]
sion is made for the continuance of certain stipulations even in time of war. No such provision exists in the short clause respecting privateering commissions; it being intended, merely, that the citizens or subjects of either nation, being neutral, should not engage in privateering against the other. To restrict privateers, on the event of a war between us and Great Britain, would cut up a most effectual resource for naval defence. Although Lord Grenville's counter-proposition seems to continue the right of privateering in full force, I am directed by the President to inform you, for the sake of preventing any mistake, that it is his earnest desire that such an agreement may not be concluded.

Ought not future inheritances in land, as well as present, to be permitted to the people of either country, in the other?

May not Lord Grenville's stipulation, for British subjects, and the Indians within our limits, to carry on trade, as usual, in the northwestern country, produce great embarrassment, and all the heart-burnings of rivalship?

I am afraid that the terms irregular and illegal are not sufficient, when applied to the captures of our vessels, to let many of them into compensation.

Among the correspondence, which you carried with you, between Mr. Jefferson and Mr. Hammond, you will find letters which prove that, for captures made by vessels grained in our ports, within certain periods, we ought not to be accountable. The propositions seem to go to the whole.

The instructions of the 8th of June, 1793, are, in substance, renewed upon us by one of Lord Grenville's propositions.

I am suspicious that the phrase, relative to the exception of prior treaties, to wit: "in all cases in which they do not apply," will, at some future day, be tortured to a sense, which, probably, is not intended by Lord Grenville now. Suppose that it should be insisted that the French treaty does not apply, because the Government is so essentially changed? I do not think that fair construction will justify such a sentiment; but it will not be amiss to exclude its possibility.

The commercial project will be immediately examined: for we cannot, at this early moment, discover whether it be probable that the concessions will be such as to induce you, under your powers, to sign a commercial treaty, or to digest only; nor can we so immediately appreciate the different parts of the project.

If the prohibition to sell French prizes should commence sooner than the termination of the war, we shall be placed in very great difficulties; and I am pleased to observe that you are impressed with the force of this idea.

I have laid the opinion of Dr. Nicholl and Sir William Scott before the merchants. We shall endeavor to give it its full effect.

These ideas are not felt by me to be in all respects accurate. I shall revise them; and shall particularly keep in view that both the language and matter of the propositions will undergo great alterations and new arrangements. But I will take the liberty of suggesting that it may be well to avoid, as much as possible, postponements of final settlements. You know from history that commissioners, who meet after a peace, are very apt to sow the seeds of war.

I have the honor to be, sir, with great respect and esteem, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 31.

LONDON, November 17th, 1794.

Sir:

A treaty agreed upon and copied, I expect will be signed to day or to-morrow, and sent by the packet.

In my letter, No. 12, dated the 29th October, I mentioned that I had written a letter to Lord Grenville on the subject of my reception here; of that letter I sent a copy, but the answer had not then been received. I now subjoin copies of both, and have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

The Honorable EDM. RANDOLPH, Secretary of State, &c.

To the Right Honorable Lord Grenville, &c. &c.

ROYAL HOTEL, PALL MALL, 27th October, 1794.

My Lord,

The President having been informed of the gracious reception with which their majesties were pleased to honor me, has made it my duty to assure them of the sense he entertains of that pleasing mark of attention to the United States. He flatters himself that a negotiation commenced under such favorable auspices, and conducted with a correspondent disposition to conciliation, will terminate in a settlement, mutually satisfactory and beneficial. He requests His Majesty to be persuaded that he will continue to promote every measure that may conduzi to this desirable event; and that the United States will, with pleasure and alacrity, cherish the concord and good which will naturally result from it.

I am convinced, my lord, that this communication will derive advantages from the manner in which you will convey it to their Majesties; and I am the more gratified in addressing it to your lordship, as an additional opportunity is thereby afforded me of assuring you of the respect and esteem with which I have the honor to be,

My lord, your lordship's most obedient humble servant,

JOHN JAY.

To John Jay, Esquire, &c. &c. &c.

DOWNING STREET, October, 1794.

Sir:

I have taken the earliest opportunity to lay before the King your letter of the 27th instant, and I have it in command to express to you the satisfaction which His Majesty has derived from the sentiments which you have been charged to convey to me on the part of the President of the United States; and to assure you that there exists, on His Majesty's part, the same disposition towards the object of conciliation and friendship. I trust you are convinced of the satisfaction which those who are humbled with His Majesty's confidence will always feel in executing, to the best of their power, His Majesty's intentions in this respect.

It has, on that account, been matter of the greatest satisfaction to me that, in the course of a negotiation directed to the attainment of this desirable object, I have to treat with a minister whose dispositions and conduct are so well calculated to promote my trust, with no small degree of confidence, that the final issue of our joint endeavors will be such as, I am persuaded, we both wish, but in every case, I shall always retain those sentiments of the most sincere respect and esteem.

With which I have the honor to be, sir, your most obedient humble servant,

GRENVILLE.
Mr. Jay to Mr. Randolph.—No. 22.

London, 12th November, 1784.

SIR,

The long expected treaty accompanies this letter: a probability of soon concluding it has caused the packet to be detained for more than a week. The difficulties which retarded its accomplishment, frequently had the appearance of being insurmountable; they have at last yielded to modifications of the articles in which they existed, and to that mutual disposition to agreement which reconciled Lord Hood and his minister with my own sentiments. The treaty may now, I flatter myself, be considered as being completed.

Since the building is finished, it cannot be very important to describe the scaffolding, or go into all the details which respect the business. Explanatory remarks on certain articles might be useful, by casting light on governing principles, which, in some instances, are very difficult to be apprehended unless they are closely examined. In order to avoid inaccuracies, I am induced to write upon the spot, as I have not the leisure to determine, in my mind, the extent of the necessary observations, and hope allowances will be made for inaccuracies and omissions.

My opinion of the treaty is apparent from my having signed it. I have no reason to believe or conjecture that our present posture of affairs is attacked.

Perhaps it is not very much to be regretted that all our differences are merged in this treaty, without having been decided; disagreeable imputations are thereby avoided, and the door of conciliation is fairly and widely opened, by the essential justice done, and the concessions granted to each of the other parties. It cannot be restricted to a more early day: that point has been pressed.

The reasons which caused an inexcusable adherence to that term, I am persuaded, were these, viz: That the traders have spread through the Indian nations goods to a great amount; that the returns for those goods cannot be drawn into Canada at an earlier period than that which the surrender of all the posts to American marines will ensure the minds of the Indians cannot be foreseen. On a former occasion it was intimated to them (not very delicately) that they had been forsaken, and given up to the United States; that the protection promised on our part, however sincere, and however, in other respects, competent, cannot entirely prevent their being solicited by the war in the present instance. The reasons, the traders ought to have time to conclude their adventures, which were calculated on the existing state of things: they will afterwards calculate on the new state of things: but that, in the mean time, the care of Government should not be withdrawn from them.

The treaty itself will, I presume, appear to you in a favorable light: a number of reasons which, in my judgment, are solid, support it. It was proposed and urged that the commercial intercourse opened by this article ought to be exempted from all duties whatever on both sides: the duty which such a measure would involve on the part of the Indians was finally agreed to subject to native duties. In this compromise, which I consider, as being exactly right, that difficulty terminated; but for this compromise the whole article would have failed, and every expectation of an amicable settlement been frustrated. A continuance of trade with the Indians was a decided advantage, much time and power, and many conferences were employed in producing this article; that part of it which respects the ports and places on the eastern side of the Mississippi, if considered in connexion with the article in the treaty of peace, and with the article in this treaty which directs a survey of that river to be made, will, I think, appear unexceptionable.

In discussing the question about the river St. Croix, before the commissioners, I apprehend the old French claim was revived; we must adhere to the original map. The Vice President perfectly understands this business.

The 6th article was a sine qua non, and is intended as well as calculated to afford that justice and equity which judicial proceedings may, on trial, be found incapable of affording. That the commissioners may deny the very fact of the matters at stand, and as justice and equity shall appear to require it.

It is very much to be regretted that a more summary method than the one indicated in the seventh article could not have been devised and agreed upon for settling the capture cases; every other plan was perplexed with difficulties, which frustrated it. Permit me to hint the expediency of aiding the claimants, by employing a gentleman, at the public expense, to oversee and manage the causes of such of them as cannot conveniently have agents of their own here; and whether, in some cases, pecuniary assistance might not be proper. I do not consider myself at liberty to make such an appointment, nor to enter into any such pecuniary engagements. It would, probably, be more convenient to refer the matter to the President of the United States, as his contract with Mr. Jefferson would be better than this. Here there are few fit for the business, and willing to undertake it, who (having many affairs of their own to attend to) would not be tempted to consider the business of the claimants in a secondary light; several objections to giving him a fixed salary, as it is not certain they will be the amount or the kind of compensation for his services. Our counsel here talks, and, I believe, in earnest, of returning to America, or I should expect much advantage from his zeal and endeavors to serve such of the claimants as might commit their business to his management.

Mr. Jefferson, in the 8th article, a stipulation which, in effect, refers the manner of paying the commissioners very much to our election. I prefer paying them jointly; the objection to it, is, that the English pay high. I have always doubted the policy of being petty-wise.

The Lord Chancellor has prepared an article respecting the mutual admission of evidence, &c. which we have not had time fully to consider and decide upon; it contains a clause to abate alienum between the two countries. His lordship's conduct and conversation indicate the most friendly disposition towards us; a copy of his article shall be sent, and I wish to receive precise instructions on that head.

In the credit of some of the States having my knowledge, suffered by appearances of their being favorable to the idea of sequestring British debts on certain occasions, the 10th article will be useful. Persons wishing to invest their property in their funds and banks, have frequently applied to me to be informed whether they might do it without risk of loss, without or sequestration; my answer has been uniform, viz: that, in my opinion, they would not be proper; but that, in my opinion, they would not be adopted; some pressed me for assurances, but I have declined giving any.

The 13th article, admitting our vessels of seventy tons and under, into the British Islands in the West Indies, affords the most unexpected and astonishing explanatory remarks. It became connected with a proposed stipulation for the abolition of all alien duties, of every kind, between the two countries. This proposition was pressed, but strong objections opposed my agreeing to it; a satisfactory state of the negotiation on this point would be prolix; at present, I cannot form a very concise one, for that would not require less time than selection and arrangement necessary in this article is short, but if we meet the disposition of this country to good humor and cordiality, I am much inclined to believe it will be renewed; the duration of the treaty is connected with the renewal of that article, and an opportunity will then offer for discussing and settling their reciprocal mistakes.

The article which opens the British ports in the East Indies to our vessels and cargoes, needs no comment. It is a manifestaion and proof of good will towards us.

The questions about the cases in which alone provisions become contraband, and the question whether, and how far a nation's property subject to public enemies is subject to public enemies is subject of much trouble, and many fruitless discussions. That Britain, at this period, and involved in war, should not admit principles which would impeach the propriety of her conduct in seizing provisions bound to France, and enemy's property on board of neutral vessels, does not appear to me to be a very strong point, and I am prepared to make use of the recent act of 1783 for the protection of neutral vessels in deciding whether they were made in such cases as to be warranted by the existing law of nations; as to the principles we contend for, you will find them saved in the conclusion of the 19th article, from which it will appear that we still adhere to them.
The articles about privateers were taken from the treaty of commerce between Great Britain and France, and the one for treating natives, commanding privateers, as pirates, in certain cases, was partly taken from ours with Holland.

The prohibition to sell prizes in our ports had its use; and we have no reason to regret that your instructions to me admitted of it.

Various articles, which have no place in this treaty, have, from time to time, been under consideration, but did not meet with mutual approbation and consent.

I must draw this letter to a conclusion; Lord Grenville is anxious to dismiss the packet as soon as possible.

There is reason to hope that occasions for complaint on either side will be carefully avoided. Let us be just and friendly, and all will be well.

I ought not to omit mentioning the acknowledgments due from me to Mr. Pinckney, with whom I have every reason to be satisfied, and from whose advice and opinions I have derived light and advantage in the course of the negotiation. His approbation of the treaty gives me pleasure, not merely because his opinion corresponds with my own, but also from the sentiments I entertain of his judgment and candor.

It is desirable that I should have the earliest advice of the ratification; and be enabled to finish whatever may be expected of me, in season to return in one of the first spring vessels. My health is not competent to a winter's voyage, or I should be the bearer of the treaty. This climate does not agree with me, and the less so on account of the application and confinement to which it was necessary for me to submit.

I had almost forgotten to mention that, on finishing and agreeing to the draught of the treaty, I suggested to Lord Grenville, as a measure that would be very acceptable to our country, the interposition of His Majesty with Algiers, and other States of Barbary, that may be hostile to us. This idea was favorably received, and it is my opinion that this court would, in good earnest, undertake that business, in case nothing should occur to impeach the sincerity of that mutual reconciliation which it is to be hoped will now take place.

It will give you pleasure to hear that great reserve and delicacy has been observed respecting our concerns with France. The stipulation in favor of existing treaties was agreed to without hesitation; not an expectation, nor even a wish has been expressed that our conduct towards France should be otherwise than fair and friendly. In a word, I do not know how the negotiation could have been conducted, on their part, with more delicacy, friendliness, and propriety, than it has been from first to last.

I have the honor to be, &c.

JOHN JAY.

Mr. Joy to Mr. Randolph—No. 23.

London, 20th November, 1794.

SIR: I received last night a letter from Lord Grenville, of which the following is a copy:

DOWNING STREET, November 18th, 1794.

SIR: I have the honor to transmit to you the papers which you have already seen, relative to the claims of certain persons having rights of remainder, or other interests in estates, confiscated in America during the late war, but whose rights or interests, according to the justice, and the established laws under which those estates were held, could not be affected by such confiscation.

I have no doubt, both from the justice of the case itself, and from what has passed between us respecting it, that if, on inquiry in America, it should appear that any impediments to the prosecution of such claims in the ordinary course of justice have existed, or still exist, these cases will be considered as being completely within the principle of the article in the treaty signed between us this day respecting the British creditors. But as you do not possess sufficient information respecting the particulars of this business to be enabled to enter fully into it, I have transmitted to you the papers relative to it, and I shall be obliged to you if, when you have received further information upon it, you will acquaint me in what situation you conceive the parties interested in it to stand, with respect to the means of recovering their rights in the ordinary course of justice.

I am, sir, your very obedient humble servant,

GRENVILLE.

To JOHN JAY, Esq. &c. &c.

The 5th article of the treaty of peace concluded with the following paragraph, viz:

And it is agreed that all persons who have any interest in confiscated land, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Lord Grenville lately mentioned to me that there were persons who had interests in confiscated lands, and that it was reasonable such information should be taken care of by the present treaty. He named the case of Lord Fairfax's estate, and that of Colonel Roger Morris, in the State of New York. I answered that my information respecting those cases was too imperfect to permit me to enter into any particular stipulations respecting them individually, or respecting the others that were generally alluded to in the above article; that I was not apprised of any lawful impediments to the prosecution of such rights as that article contemplated, but I concurred with him in opinion that, if there had been, or still were, such impediments, those cases were within the same principle, and had the same claims to justice and equity as the cases of British creditors, and ought to be provided for accordingly.

The papers I received from him last night are too voluminous to be copied in season to accompany this letter; it is absolutely impossible. You will receive them by the next ship.

The application mentioned in his letter, and which he received from a particular class of British creditors, &c. is a memorial of divers American loyalists, &c. These persons (whose estates were confiscated) think they have a right to recover the debts that were due to them, and that the article of the treaty of peace in favor of British creditors applies to them. This cannot, in my opinion, be admitted, and will, I believe, give us no trouble.

I have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

To the Honorable EDM. RANDOLPH, Esq. Secretary of State, &c. &c.

Mr. Joy to Mr. Randolph—No. 24.

London, 21st November, 1794.

SIR: On the 19th instant a treaty was signed. The next day it was, together with my letters to you, Nos. 21, 22, and 23, despatched to the packet at Falmouth, which had been detained.
I now send you duplicates of them all by Mr. Blaney, a gentleman of Virginia, recommended to me by Governor Lee. The earliest advices from you will be expedient. There are articles in this treaty which will give strength to our applications to other Powers for extensions of commerce. Much use may be made of them.

I daily become more and more convinced of the general friendly disposition of this country towards us. Let us cherish it. Let us cultivate friendship with all nations. By treating them all with justice and kindness, and by preserving that self respect which forbids our yielding to the influence or policy of any of them, we shall, with the Divine blessing, secure peace, union, and respectability.

I feel very sensibly the confidence that has been reposed in me, as well as the responsibility that resulted from it. If this confidence should prove beneficial, I shall not regret my anxiety and efforts to render it so. The Canada article strikes me as one of the best in it. If discreetly managed, important benefits will, in my opinion, be derived from it. Very much ought not to be written on these subjects.

That the termination of these perplexing differences should be effected during your administration of the foreign department, cannot fail to give you pleasure. It will afford some compensation for the trouble you have had, and relieve you from the disagreeable correspondences to which such differences so frequently give occasion.

Accept my thanks for the many interesting communications and marks of attention I have received from you in the course of the negotiation, and be assured that I am, with every corresponding sentiment,

Sir, your most obedient and most humble servant,

JOHN JAY.

The Honorable Edm. Randolph, Esq. Secretary of State, &c. &c.

Mr. Jay to Mr. Randolph—No. 25.

LONDON, December 6, 1794.

Sir:

Copies of the papers mentioned in my letter, (No. 23) are hereunto subjoined.

I have the honor to be, sir, your most obedient humble servant,

JOHN JAY.

OFFICE OF AMERICAN CLAIMS, August 13th, 1790.

Dear Sir:

I send you extracts of some papers and reports relative to the claim of Colonel Morris and his children. The other cases of a similar nature are those of Lord Fairfax and Mr. Martin, and you will see the attorney general's opinion applies to all of them.

Yours, very sincerely,

JOHN WILMOT.

George Rose, Esq. &c.

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<tr>
<th>Province</th>
<th>Value of the fee simple</th>
<th>Value of the life interest</th>
<th>Value of the reversion</th>
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<td>Colonel Roger Morris and Mary his wife</td>
<td>£20,000</td>
<td>£12,605</td>
<td>£27,395</td>
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<td>Samuel Martin</td>
<td>12,115</td>
<td>6,500</td>
<td>6,615</td>
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<tr>
<td>Right Honorable Lord Fairfax</td>
<td>60,000</td>
<td>12,758</td>
<td>46,349</td>
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N. B. Colonel Morris, Mr. Martin, and Lord Fairfax, have received their certificates for the value of their life interests.

Mr. Attorney General's opinion on the case of Mr. and Mrs. Morris.

What interpretation the State of New York may give to their act of attainer I don't know; but nothing is more clear, that, if a similar act of attainer against Mr. and Mrs. Morris had passed here, it would not have affected the remainder limited to the children who are not attainted; and they seem to me, upon this state of the case, to be most clearly entitled to the benefit of the last clause of the 5th article of the treaty of peace with America. Under these circumstances I cannot advise the commissioners to consider this remainder in fee as absolutely lost, until an attempt has been made to obtain that justice in America to which they are entitled, and the refusal of which will, in my opinion, be a direct violation of the treaty. If they cannot obtain justice ultimately, they certainly ought to have a compensation, and therefore I think the commissioners, after having made a compensation to Mr. and Mrs. Morris for their life interest, should state specially the case of the children, as that may hereafter be of use to them if they fail in seeking redress in America.

R. P. ARDEN.

21st March, 1787.

N. B. As there are two or three other cases similarly circumstanced, the commissioners considered them altogether in a separate class, and made a general observation upon them in their general reports, particularly that of the 15th May, 1789. Vide extracts.

Extract from the report of the Commissioners of American claims, dated 7th April, 1786.

We have not considered any interest in confiscated lands, whether by debt, marriage settlement, or otherwise, as lost to the parties, (in cases where such parties are not named in, or are not the immediate object of, the confiscation law) though we apprehend it may be difficult for them, without the aid of Government, to have their rights ascertained and secured.

We have thought it our duty to represent this to your lordships, as we apprehend it to be one of the objects of our inquiry to furnish Government with such information as may promote His Majesty's endeavors to procure from the United States of America restitution of, or recompense for, the estates and effects of the sufferers under the provisional article, as stated in the preamble of the act which first instituted the inquiry.

Extract from the report of the Commissioners of American Claims, dated 5th April, 1788.

There is likewise another description of persons, concerning whom we have been under considerable difficulties, as stated in our fifth report of the 7th April, 1786, namely, of loyal British subjects, who appear to have relief under
the treaty of peace, but state the utter impossibility of procuring it. We have stated these losses, therefore, in a separate class, (the eleventh) in order to facilitate the endeavors of Government to procure from the United States of America a restitution of, or recompense for, the estates and effects of the sufferers under the treaty of peace, or if that Government and the Legislature may be enabled to make them compensation at home, if it should be thought proper.

Extract from the report of the Commissioners of American Claims, dated 15th May, 1789.

With respect to the eleventh class, viz. of those who appear to have relief by the treaty of peace, it is to be observed that it consists of the value of reversionary interest in estates expectant on the determination of lives now in being, the value of the life interests being included in some of the other classes. It is proper to observe, likewise, that the fee of the property in these instances has been seized, confiscated, and sold, by the respective States in whose territory the property lies; and notwithstanding the provisions of the treaty of peace, we are afraid there is little probability of the recovery of such reversionary interests by the persons entitled in remainder. We submit, therefore, to the consideration of Government and Parliament, whether it will be more eligible to make those persons who have suffered for these life interests, a compensation only for the loss of those life interests, or to make a compensation for the fee simple of the property, to be paid to trustees, subject to the same uses to which the estates were settled; by which means, for a comparatively small additional consideration, those entitled in remainder will have no future claim on the justice and liberality of the Government. To the death of the tenant in fee the present act gives the additional interest of the different States for the value of this reversionary property, whenever an arrangement shall take place between the two countries of their respective interests and pretensions.

Extract from the decision of the Commissioners of American Claims, on the claim of Colonel Roger Morris, and Mary, his wife.

The Board is of opinion that the value of the fee simple of the said estate was £29,000, and that the value of the interest of the said Colonel R. Morris, and Mary, his wife, for their joint lives, and the life of the survivor, (as calculated by Mr. William Morgan, actuaty to the equitable society of annuitants) is £12,605.

The Board, under all the circumstances of the case, is of opinion that the loss of the said Colonel R. Morris, and Mary, his wife, must be confined to the said sum of £12,605, which sum they accordingly allow for the same; but they do not consider the interests of the children of the marriage as being lost, the same being protected by the fifth article of the treaty of peace.

Extract from the decision of the Commissioners of American Claims, on the claim of Samuel and George Martin.

The commissioners disallow the claim, (so far as the reversionary interest of the son, George Martin, is concerned) considering the same to be protected by the fifth article of the definitive treaty of peace between Great Britain and America.

Although the commissioners are of opinion the reversionary interest of the claimant, George Martin, must be considered as being protected by the fifth article of the treaty of peace, it appears, nevertheless, that the whole property has in fact been seized and forfeited as the fee simple estate of the said Samuel Martin. And although a representation has been made to the Legislature of Virginia, setting forth the interest the said George Martin was entitled to therein, no attention whatever has been paid thereto.

Decision on the claim of the Right Honorable Robert Lord Fairfax, on behalf of himself and of Frances Martin, widow, his sister, and of Denny Fairfax, D. D., Philip Martin, Esq. and Thomas Martin, Esq. his nephews, and their three sisters, his nieces. Claim, £29,000.

My Lords;

The case of the Right Honorable Lord Fairfax being in many respects peculiarly circumstanced, and being of considerable importance in respect to the magnitude of the claim, we have thought fit to make it the subject of a separate part of our report.

We find that His late Majesty, King James the Second, by letters patent, bearing date the 37th day of December, in the fourth year of his reign, which recite former letters patent of King Charles the Second, bearing date the 8th day of May, in the 21st year of his reign, did give, grant, and confirm, unto the Right Honorable Lord Culpeper, (great-grandfather of the claimant) all that entire tract, territory, or parcel of land in Virginia, in America, and bounded by and within the first heads or springs of the river of Tappahannock, alias Rappahannock, and Querough, alias Potomac river, the courses of the said rivers from their first heads, or springs, as they are commonly called, and known by the inhabitants and descendants of the said Fairfax, and the Bay of Chesapeake together with the said

That all the said granted premises were, under such grants, held and enjoyed by the said Thomas Lord Culpeper from thenceforth to the time of his death, when the same became the property of, and vested in the, the Right Honorable Catherine, late Lady Fairfax, his daughter, who, by her last will and testament, bearing date the 21st day of June, 1779, gave, grant, and confirmed, by the same execution whereof the said Fairfax, and the premises in Virginia, unto William Cage, of Milgate, in the Parish of Berset, in the county of Kent, Esquire, and Edward Filmer, of East Sutton, in the said county, Esquire, to hold the same unto the said William Cage, and Edward Filmer, in their heirs, and their heirs and assigns forever, upon the said several trusts therein and hereinafter described, that is to say:

Upon trust in the first place by mortgage, a sale of a sufficient part of the estate thereby devised to raise a sufficient sum for discharging all her debts, legacies, and funeral expenses; and after such mortgage, sale, and disposition, to the use of her eldest son, Thomas Lord Fairfax, and his assigns, for life.

Remainder to the said William Cage, and Edward Filmer, and their heirs, as trustees to preserve contingent remainders,

Remainder to the first and other sons of the said Thomas Fairfax, in tail male.

Remainder to her second son, Henry Culpeper Fairfax, and his assigns, for his life.

Remainder to trustees to preserve contingent remainders.

Remainder to the first and other sons of the said Henry Culpeper Fairfax, in tail male.

Remainder to her third son, Robert Fairfax, and his assigns, for his life.

Remainder to trustees to preserve contingent remainders.

Remainder to the first and other sons of the said Robert Fairfax, in tail male.

Remainder to the daughters of the said testatrix as tenants in common, in tail.

Remainder to the right heirs of the said tenant in fee.

The said Catharine Lady Fairfax died in the said year 1719, soon after the making of her said will, whereupon the aforesaid lands and premises under the devise contained, became vested in the said Thomas Lord Fairfax, for the term of his natural life.
We find by a survey produced to us, made in the years 1736 and 1737, that the quantity of land contained within the boundary described in the aforesaid grant of King James the Second, was five millions two hundred and eighty-two thousand, a considerable part thereof, at the time of the breaking out of the troubles in America, had been granted by the late Thomas Lord Fairfax, and his predecessors, upon quit rents; other parts had been appropriated by the Proprietors; and others were under lay for that purpose.

We find, that the said Thomas Lord Fairfax, who resided in Virginia, at the commencement of and during the troubles in America, conducting himself as a loyal subject to His Majesty, but being of a very advanced age, (upwards of fourscore years) for that reason, as we presume, he was not divested of the said estates during his lifetime, though his possession of the same ceased, and became vested in, the claimant, Lord Robert Fairfax, for the term of his natural life, (the said Henry Culpepper Fairfax having, many years before, died unmarried, and without issue) but owing to divers laws and regulations which had been passed and which had been produced by the said Lord Fairfax from taking possession of, and enjoying, the same: for we find that, by an act of Assembly of the said State, passed at a session begun the 21st day of October, 1782, entitled "An act to amend and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," after reciting the premises, makes the said act a perpetual law, as well for the purpose of enabling the Governor to credit the citizens in the Northern Neck for so much of the land tax as their respective quit rents might amount to; and that, since the death of the late proprietor of the Northern Neck, there was reason to suppose that the said proprietorship had descended upon alien enemies. It was therefore enacted, that persons holding land in the Northern Neck, under the act of the State of Virginia which quit rents which were then due, until the right of descent should be more fully ascertained, and the General Assembly should make final provision thereon. And all quit rents which might thereafter become due within the limits of the said Northern Neck, were directed to be paid into the treasury of the Commonwealth, for the session or sessions of Assembly, from which quit rents the inhabitants of the said Northern Neck were thereby exonerated from the future claim of the proprietor.

By another act of the same session of Assembly, entitled "An act concerning surveys," after reciting that the death of the Right Hon. Thomas Lord Fairfax might occasion great inconvenience to those who might incline to purchase or settle on vacant lands in the Northern Neck, it was enacted that all entries made with the surveyor of the counties within the Northern Neck, and returned to the office formerly kept by Thomas Lord Fairfax, should be held, deemed, and taken, as good and valid in law, as those theretofore made under the direction of the said Thomas Lord Fairfax, until some mode should be taken up and adopted by the General Assembly, concerning the surveys of the same.

By another act, passed at a session begun the 5th day of May, 1783, entitled "An act to amend the act and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," makes the said act a perpetual law, for the purpose of permitting the surveyors of the counties within the Northern Neck, were permitted to retain the same in their hands until the further directions of the Assembly, and that it was unjust that the executors of the late proprietor of the Northern Neck should be any longer prevented from receiving what was due to the said proprietor, at the time of his death, it was enacted that so much of the said Assembly, for the purpose of removing the said lands the same due at the time of the death of the said proprietor, should be, and the same was thereby, repealed.

And by another act, passed at a session begun the 17th day of October, 1785, entitled "An act for safe keeping the land papers of the Northern Neck in the Register's office," after reciting that, "since the death of the late proprietor, Thomas Lord Fairfax, no mode had been adopted to enable those who had, before his death, made entries for waste and unappropriated lands, in his office, nor to enable those who, since his death, had made entries within the said district, according to an act of Assembly, entitled "An act for the purposes of aforesaid," and that the said Assembly, might enable any surveyor to make, or thereafter be made, under entries made in the life of the said proprietor, or under entries made with the surveyor of any county, under the act of Assembly aforesaid, and which had been returned to the said proprietor's office, the register's office, the register should make out grants therefor, as the said Assembly directed; and the said Assembly, therefore, that the Governor, and the seal of the Commonwealth, be by law directed in cases of other unappropriated lands; and the surveyors with whom such entries had been, were thereby directed and empowered to proceed to survey and record the same, and to make return of such surveys to the register's office, in the same manner, and within the same time, as was, or should be directed, in cases of war," was passed, and, after its conference with the House of Lords, was, by the said Assembly, passed, and declared, by the said Assembly, as a law, and directed to remain in force during the Commonwealth. And it was further enacted, that, "from and after the passing of the aforesaid act, the unappropriated lands within the said district shall be subject to the same regulation, and granted as the same shall be subject to any survey or entry, made, or thereafter be made, under entries made in the life of the said proprietor, or under entries made by or under the register's office, with whom any surveyor of said Commonwealth, shall be by law directed to pasture, or seize of other unappropriated lands belonging to the said Commonwealth." And it was further enacted that the "land holders within the said district of the Northern Neck, should be forever thereafter exonerated and discharged from composition and quit rents, any laws, usage, or custom, to the contrary notwithstanding.

The said memorial was, pursuant to the order of the Assembly, on behalf of the claimant, (Robert Lord Fairfax) who, together with all the heirs in remainder, (except Thomas Martin) we find to be loyal subjects of His Majesty, who resided in Great Britain during the troubles, by his agents in Virginia, praying to be relieved from the effects of the acts before recited, and to be restored to the possession of the quit rents within the said Northern Neck, to which he was entitled under the will of his mother, as before mentioned, which application was unsuccessful; but no copy of the said memorial, nor of the minutes of the said Assembly, relative thereto, having been produced to us, we are unable to state the particulars of the said application, or the grounds upon which the same was rejected.

On a full consideration of the above acts, it does not appear to us that there is anything contained in them (excepting the act of 1785) which operates as a forfeiture of the estate of Lord Fairfax, or those in remainder, after his decease; for, although the first act, of October, 1783, directs the payment of all quit rents that should thereafter be made by the surveyors, and the proceeds of the same, to the proprietors; and the second act, of the same year, which is expressed in that act, as to the prior quit rents, which are thereby directed to remain sequestered in the hands of the landholders in the Northern Neck, viz: there to remain until the rights of descent to the said territory be made final; it is not apparent that it makes final settlement of the same.

Further, it is not apparent that the said Assembly, after it had placed the said district under the same regulations with all the other lands within the said State, and having, also, entirely abolished the quit rents due therein, we are of opinion that Lord Fairfax, and those in remainder after his decease, are, thereby, entirely divested of their estate, and interest therein, and have lost every prospect of recovery.

At the same time we cannot help remarking, that this act appears to us to militate strongly against the spirit and meaning of the sixth article of the treaty of peace, which provides that there shall be no further confiscations made, by prosecution commenced, against any person or persons, for, or concerning the property of the part or parts, by which they have taken possession, against any person or persons, for, or concerning the property of the part or parts, by which they have taken possession, on that account, suffer any further loss or damage, either in person, liberty, or property: for, although it is not, by the terms thereof, an act of confiscation, yet it has all the effect and operation of an express act of forfeitures; and although the grounds and motives of passing it are not expressed, it appears that the parties concerned had, on the part of the claimant, subjects and aliens, either the landholders would not have been exonerated from the payment of quit rents, or that some compensation would have been made in lieu of the same.

It does not appear to us, that the act of 1729, entitled "An act concerning escheats and forfeitures from British subjects, which is to be in force of the act of 1728, which operates as a general act of forfeitures, has any relation to the present case, the same having been passed a considerable time previous to the death of the late Thomas Lord Fairfax, and none of the directions therein contained for ascertaining who were objects of the same act, having been pursued with respect to the present claimant, or, granting that they had, it could only operate as a forfeiture of the
individual interest of Lord Fairfax for the term of his life; the estate of those in remainder being, in that case, as we conceive, protected and preserved by the fifth article of the treaty of peace, by which it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights. We submit, therefore, whether this be not, under all its circumstances, of the cases which call for the interposition of Government, to assist the parties in obtaining the due recovery of their property, by which they are thus guaranteed and protected by the treaty.

We have had some difficulty in ascertaining the value of the estate in question, for the several books and papers relative to the land office, having been, as we are informed, and appears by the act of Assembly of 1785, taken possession of by the State; it has not been in the power of Lord Fairfax to lay before us such clear and decisive evidence of the value of the same as was calculated to produce the just result. We therefore refer to the parole evidence of several respectable witnesses, as to the general reputed of the then amount, previous to the war, and the positive testimony of his lordship of their produce in the year 1768, when he was in Virginia, and had access to the books wherein the accounts thereof were kept; and, on a general consideration of all its circumstances, we are of opinion that the original value at £11,868, Lord Fairfax's sale, in order that Parliament may have every information to guide its determination, with regard to the compensation it may think fit to make for the loss of this property, if that should be its ultimate resolution, we have calculated the value of Lord Fairfax's life in the above sum; which we find to be £13,758.

In the above sum, we have not, for the reasons stated in our first general report, taken into account the arrears of quit-rents, which are stated, by Lord Fairfax, to amount to £28,000, nor of the waste or unappropriated lands, no proof having been laid before us of their extent or value, nor any claim made for the loss thereof.

The with respect to the private and unappropriated estates of the late Lord Fairfax, we have not thought it material to go into a particular inquiry respecting the same.

Copy of a letter written by John Wilmot, Esq. to George Rose, Esq.

Mr. Wilmot presents his compliments to Mr. Rose, and acquaints him that Lord Fairfax's property in America claims at £60,000, in which Lord Fairfax had only a life estate. The commissioners made a special report on this case, being under very particular circumstances. The result, however, lost, that Mr. Pitt recommended to Parliament to purchase Lord Fairfax the value of the life estate, which, after deducting what his lordship had already received from Government, amounted to the sum of £11,868.

No sum was recommended by Mr. Pitt to be granted to those who have the reversionary interest after Lord Fairfax's death.

January 24, 1792.

To the Right Honorable William Lord Granville,
His Majesty's Principal Secretary of State for the Foreign Department, &c. &c.

The memorial of divers American loyalists, in behalf of themselves and others, residing in Great Britain and elsewhere, in His Majesty's dominions, most respectfully shews:

That, at the late American war, many of them, by the violation of their estates, had large sums of money justly due to them, by some of the richest inhabitants of the American States, on bond, note, and other securities, which were included in your memorialists' claims, delivered to in the commissioners of an "Act for appointing commissioners to inquire into the losses and services of all such persons who have suffered in their rights, property, and profession", during the late unhappy dissensions in America, in consequence of their loyalty to His Majesty, and attachment to the British Government. But, on the discussion of these claims, your memorialists were informed, by the said commissioners, that they could not take cognizance of such debts, as provision was made for the recovery thereof by the definitive treaty of peace between Great Britain and the American States.

That your memorialists have since exerted every endeavor to recover the moneys so due to them from their debtors, but were restrained by laws, passed from time to time, in the American States, regardless of the treaty; and where your memorialists' debts had been confiscated by laws of any of the States, on suits instituted by them, for the recovery thereof, it has been adjudged by the federal courts, that "those debts were exalted as to your memorialists, and vested in the States that passed the confiscatory law" your "memorialists not being real British subjects, but American British subjects, and therefore not entitled to the benefit of the treaty of peace", which adjudication equally precludes your memorialists from relief where their moneys had been paid, for their use, by their debtors, into the public treasuries, pursuant to laws of any of the States; and also where, at debtors had discharged the moneys owing by them in a depreciated paper currency, at the rate of six pence or less in the pound, under the sanction of arbitrary and unjust tender laws, passed from time to time in the American States during the wary although in the provision, of their debts, in the British articles of trade, to either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts hereafter contracted", which article of the treaty mentioning creditors on either side, generally, without the least allusion to creditors of any particular description, the words "shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts hereafter contracted", which article refers to laws and adjudications that would defeat the object as to any creditor who had adhered to Great Britain, and made themselves a party in the controversy; nor is the distinction between real British subjects and American British subjects reconcilable with the intent of the treaty, as it would promote a spirit of resentment and persecution, which ought to be avoided by the British government, to promote the peace of the two countries. Besides, the law, which is the strongest proofs of national a-tachment to natural justice, because it enables debtors to evade the just demands of their creditors, in violation of the most solemn contracts and obligations, which have ever been held sacred among all civilized societies.

That your memorialists, being informed that the British merchants have been called on by His Majesty's ministers for some statement of their demands against the subjects of the American States, in the negotiation now pending between their plenipotentiary and the British court, your memorialists think it a duty they owe to themselves and to the Government, to lay this representation of their hard case before your lordships, trusting their rights will meet with a more favorable determination in that negotiation; and that, if they should not ultimately satisfy the just demands of their past affairs, they would have been referred by the commissioners of

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the act of Parliament, above mentioned, your memorialists' claim on the national justice for compensation and relief. In the hopes whereof, your memorialists in gratitude will pray, &c. &c.


LONDON, October 9, 1794.

Mr. Randolph to Mr. Jay.

Sir: As I cannot get a confidential person going to Liverpool in the ship which will carry this letter, to take charge of some remarks which will be submitted to your consideration, I prefer to send them by two other ships going to-morrow or next day, in them a passenger will be found, who will hasten to you with fidelity.

You must have received, almost by this time, my letter, which requests you not to stipulate against our citizens in case of a war between us and Great Britain, taking privateering commissions against that country. I barely repeat it.

The remarks above alluded to relate to the treaty on foot. Although, in the combining of your and Lord Grenville's projects, things may be so changed as that observations directed to each may be unavailing and inapplicable, yet, I must, in the hurry of the moment, take the liberty of suggesting that I am extremely afraid that the reasoning about the negocios will not be satisfactory. Indeed, I own that I cannot myself yield to its force. But, if you omit mentioning them at all, will not some quarters of the Union suppose themselves neglected?

If the British are to retain the posts until 1796, and have free access to the Indians within our limits in the mean time, have we not reason to apprehend that they will contrive to perpetuate their ascendency over them?

The departure of the vessel precludes me at present. I will, therefore, only acknowledge your duplicates Nos. 15 and 16, and your letters of the 18th of September and 3d of October, being Nos. 17 and 18.

The arrival of Mr. Bayard, and a letter from me preceding his appointment, will explain to you that it is the intention of the Government that the costs and damages attending all vessels and cargoes, within the catalogues of spoil, shall be defrayed by the United States; and that Mr. King's case, mentioned in my letter of August 15, is not regarded as discriminated from the others; but that all are to receive equal patronage in this particular.

It will be, however, of course, understood, that if, in this and the other cases, you can obtain redress, without a process through the courts, it is the wish of Government that the shortest method be pursued.

I have the honor to be, sir, with great respect, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No 56.

LONDON, December 10, 1794.

Sir: I have been favored with your letters of the 11th and 28th October last, with the papers mentioned in them. As the treaty concluded on the 15th of last month was sent by the packet, and a duplicate was committed to the care of Mr. Blaney, who sailed in a vessel for Virginia, commanded by Captain Vickery, I flatter myself it will arrive before you receive this letter.

It gives me pleasure to acknowledge the attention and punctuality manifested in your letters, and your prudence in publishing only, in the way you mention, advices respecting the negotiations.

Yesterday I received a letter from Mr. Bayard, informing me that he was on the road from Falmouth to this place, and giving me a hint of his appointment.

Being very solicitous to return home, I purpose to embark in one of the spring vessels for New York or Philadelphia. The treaty may possibly not arrive so soon as that the ratification will reach this place before my departure, especially as not only the packet, but also Mr. Blaney, were detained a considerable time by contrary winds. I beg leave, therefore, to submit to the President's consideration the expediency of instructing Mr. Pinckney to make the exchange, in case of my absence, and of authorizing him to execute such instructions to me as may be sent with the ratification.

I wish I was now at Philadelphia, not only because I should then be in my own country, but because I could give you interesting information, which cannot be so advantageously communicated in writing as in conversation. I will make one remark. This treaty may be used by the open the Mississippi and rivers running through Florida.

With sentiments of respect and esteem, I have the honor to be, sir,

Your most obedient and humble servant.

JOHN JAY.

The Honorable Edmund Randolph, Esq. Secretary of State, &c. &c.

P. S. You will receive, herewith enclosed, a copy of Lord Grenville's full powers. Duplicates of Nos. 23, 24, and 25, are already on board the ship which will bear this.

Mr. Randolph to Mr. Jay.

PHILADELPHIA, December 15, 1794.

Sir: I suggested to you, in my last letter, on the 3d instant, the reason why much scope of observation could not be indulged, by the opportunity which then occurred, on your letter of September 13, 1794. Having a full assurance now that the danger of the sea can alone prevent this dispatch from reaching you in safety, I shall take the liberty, under the correction of the President, to run through, in a summary way, some parts of your interesting communication.

At the threshold, however, this important difficulty awaits us. Upon the fitness of your own or Lord Grenville's propositions, separately viewed, we might, perhaps, decide with satisfaction to ourselves. But, until the
two projects shall be moulded into one—until we shall, at least, see how much will be yielded, on either side, our revenue. This will hinder from the war, unless we were to be applied to you, if they be not cautiously applied to a state of things which is not precisely the same with that which gave rise to you. You will be pleased, therefore, to accept them as testimonies of our anxiety that your mission may terminate happily to our country, and honorable to yourself and the mission you are about to undertake. As a mere point of honor, it would certainly have been in material to settle what act, on either side, constituted the first violation of the treaty of peace. Nor can we, at this distance, judge as well as yourself to what degree the present state of our claims, pretensions, and complaints, may be affected by relinquishing, or failing to fix on the British Government the first infraction. But, really, sir, the force of Lord Grenville’s reasoning appears to fall very short of its object.

That a property is acquired in movablees as soon as they come within the power of the enemy, is acknowledged. But the question is, that right when acquired, or, perhaps, it may be assumed.

In this instance, there was great reason for such a renunciation. Negroes were not, like moveables in general, difficult to be distinguished. They carried an infallible mark. British debts were stipulated to be paid, and the States in which the mass of them lay, depended for their payment, principally, on the culture of their soil, and, for the most part, on this species of property. As the negroes are conscionable of negroes; and it may, therefore, be supposed that, in this view, they were so indifferent as to be the more easily given up.

If the stipulation as to negroes did not mean an alteration in the actual state of property, and imported only and necessarily not to cause any destruction, or carry away any negroes, or other American property, why was it made? The cessation of war implied the cessation of further depredations; the renewal of depredation would have been the renewal of war. The words of treaties, if they can be construed in an operative sense, ought not to be turned to signify merely what would have existed without them. It was a thing, of course, that orders were given by the British Government against plundering, on the evacuation; or, if they should not be given by Government, it became incumbent upon the commander, in behalf of the British army in America, to issue them under his own authority.

The face of Lord Grenville’s argument seems to consist in a refinement of interpretation which he gives to the words “other property of the American inhabitants,” as if they confused the word “negroes” to those negroes who should be thereafter captured from the Americans by the British armies, and excluded such as were then denominated negroes, by the British army.

The use of the word “other” is merely to mark, whether the persons who were not to be carried away came within the description of negroes; and it is as far as to conclude, from the words “other property of the American inhabitants,” that the opinion of the negotiators was, that negroes within the British power were made, thereby, American property, as the negroes of the Indians of those parts of the United States in their power, and the negroes who were carrying them, still called them theirs, would have reclaimed them, upon the principles of postliminy, if they had been retaken by the army of America, or its ally, and thus even the pleatoriements themselves might, without any reproach, have talked of the negroes in British possession as the negroes of the American inhabitants. These ideas are supported by other parts of the 7th. Article: Why, the “carrying away” only mentioned, if negroes which might be thereafter seized were chiefly contemplated? Is it not reasonable to believe that, with this impression, it would have been said that negroes shall not be captured and carried away? If a critical exposition must be referred to, it may be said, that the hirprous and vague part of the construction is, that the American artillery that may be in the fortifications shall be left therein. That is, artillery made in America, but artillery the property of America, or, in other words, of the United States. Now, this artillery was surely the property of the British, at the moment of capture, and yet no pretence, as far as I can learn, was made to carry away our cannot. You must be too sensible of the anxiety of many parts of the United States, upon this subject, to pass it over unnoticed. Permit me, therefore, to beg your attention to the foregoing ideas, since I have it greatly at heart that your negotiation may not be encumbered by any objection which may be anticipated.

It was at first hoped that, as you had proposed June, 1795, for the epoch of surrendering the posts, and have not commented upon the proposition of Lord Grenville, for June, 1796, there might have been a mistake in copying what he wrote. But the duplicate of your letter of September 13th confirms the truth of 1796. In a past letter, you have been apprised of the unpleasantness which will accompany such a result. Further reflection has not diminished, but, on the contrary, has increased the repugnance of the President to this extension of the time. There must have been a look with which we must have beheld the necessity of the thing, to have the matter put at present, to catch the wheel of political events, in its rapid revolutions, before June, 1796, the face of things may be so much changed as to substitute the spirit which governed Great Britain in her past injustice towards us, in the place of that moderation which we experience in the hour of her degradation.

Every artifice for riveting an ascendency over the Indians, and countering our competition for the far trade, will have had its fullest scope. In short, the interval will be employed in rendering the influence of the British fort, from one side of the river to the other, as little operative as possible on the minds of the Indians, by gradually managing and persuading them to believe that the British fort is a mere conveniency, and that the neutrality of the United States, instead of being a pretense, is a reality.

And truly, sir, it cannot be deemed severe to insist upon June, 1795. For what purpose, since in all its aspects, is a twelvemonth more wanted? The distance for transporting the appendages of the garri- sons, the supplementary burdens which the treaty of 1795 involves, the fort, and the post, and the other consi- derations, will be as burdensome to the British as they will be to the United States.

But, under British alliances will be protected. The President of the United States is, in the opinion that the arrangements for June, 1796, will be injurious to the United States. We are fully sensible that something was to be yielded for the accommodation of the British garrison, so as not to precipitate their surrender of the posts; but it is a different thing to have abundance of force to be able to add that, as long as the British retain Detroit, and other posts within our limits, he is convinced that we shall never have perfect tranquility with the Indians. The free ingress and egress stipulated for British subjects, and the Indians, will, if it is feared, strike deep into our Indian trade; nor can we be sure that the reciprocity claimed by you is as important as you represent it. In a word, the revenue may be impoverished, goods may be imported through Canadian duty free.
I have the pleasure to inform you that your reasoning and conduct respecting the St. Croix and the Mississippi appeals, and the precedents in which those subjects have been placed by you, according to your different letters, is approved by the President.

The correspondence between Mr. Jefferson and Mr. Hammond, relative to the captures of British vessels by French cruisers, either out of our ports, or manned by our citizens, places the subject of compensation upon the grounds on which it is most acceptable to this government.

Ought any settlers or traders within the precincts of any British garrison within the United States, to be protected in their landed property there, unless it lies strictly within the just limits of a garrison, and their title originated before the War of 1812, and is the true subject of compensation in all cases? Neutal commerce, if it can be so settled, had better be freed, as much as possible, from contraband. But it is particularly important that provisions should be so.

I am apprehensive that, to bind the British King to compensation only where our property has been illegally captured and taken under color of law, and commissioners or juries, and where apparent full justice and compensation cannot be obtained, and actually had, by judicial proceedings, will not reach the mischief; and that there is no effectual mode for repairing it but by granting compensation upon the broad principle of the instructions.

I have before you, and am not, I desire, to reason upon, that they violated our rights and laws, that they violated our rights and laws, and that it is the same thing if it be said that it was not the intention of those instructions that they should form a law for condemnation. In either case, compensation will follow.

My former letters have communicated the desire of the President that, in case we should have a war with Great Britain, the letter, the letters, excluded from private communication.

You, sir, who have before you the whole of this affair, from its first breaking to the British ministry, know best how to balance reciprocal concessions, which shall be satisfactory to the people of the United States. But the difficulty of accomplishing such a work is very apparent at all times and the delicacy of undertaking to pay the damages sustained by British creditors by lawful impediments, in consideration of advantages under a different head, is, at this time, exceedingly great.

The question as to the first violation of the treaty assumes an important shape, when your proposition for the commercial project of Lord Grenville, and the consequences of the recovery of British loans, and the manner in which British were the aggressors as to the negroes, we have a right to retaile. But, throwing this out of sight, since it was given to the French personal authority, many points may have received, before that time, by mutual understanding, a form and substance, and the law and equity may change; and 2. that, from the latitude of your instructions, you were left at such full liberty as to render it improper for me to express an opinion, by passing too minute stricures on what has been done. I flatter myself that the style of our intercourse has satisfied you that nothing can farther from my mind than any measure which, in a similar situation, I should not be pursued in my own case and you may be assured that, I am not for the hope that the course of this transaction, and my letter of the 12th ultimo, may, perhaps, have kept us uncoiled, I would not trouble you with any remarks.

The greater part of the first article, in Lord Grenville's commercial project, seems to be little more than that contrary to our rights of liberty and trade, and access to our ports, which is usually granted to our small powers.

But, if its meaning extends further, will not the provision which respects this article to the general laws and statutes of the two countries, respectively, leave the whole of this matter to the discretion of the two countries, and thereby render the stipulation totally unavailing, at least when the Legislature of either chooses to make it so?

The second article is customary, and Lord Grenville's correction of it is, perhaps, more suitable to the temper of the United States, which would steer as clear as possible of giving the least handle to a foreign Government to sce an exception by the right of the United States, and that of the United States. In any stage of the negotiation. The customs of most nations differ on this head; and, for ourselves, it can hardly be said that we have any, except those which are defined in the consular convention with France.

The right to purchase the duties of the particular kind being relinquished, it is an important consideration that, as the distinctions which now exist between foreign and our vessels are really of moment to our trade, our merchants will see them relinquished with reluctance, unless there be some very obvious equivalent; and if the stipulation extends to the removal of the restriction in the duties on goods brought to the United States in British bottoms, their reluctance will be so much the stronger.

The fifth article wants reciprocity. The British system is established upon the most abundant experience and examination of all the relations of British commerce, and contains now numerous prohibitions. Our system, which will mature and improve, contains none. By fixing this state of things, we should renounce an important right, the defect of which, if left, and placed ourselves on an equal footing. At any rate, it gives a claim to some very considerable equivalent.

I should have probably conjectured that this equivalent was supposed to be found in the sixth article, which opens to the West Indies to the St. Croix to the St. Croix, and to the West Indies as providing for claims of that kind. We are, therefore, led to weigh one part of this article against the others to compare this article with the arrangements of our trade to British Europe, in the preceding articles.

The duration of the privilege to trade to the West Indies not being co-extensive with the other parts of the treaty, the short term of its existence, as proposed to be granted, renders it of inconsiderable value. 2d. I confess that I often find myself at a loss to know what the proper construction of this article is, which prohibits vessels of the United States from carrying in West India productions or manufactures from the British Islands, to any part of the world, except the United States, is to be interpreted so literally as to extend to the West India productions or manufactures, or the West India possessions of other than the dominions of Great Britain. But there is no language in the article which is to be so interpreted as to exclude such private trade as I think, under the article above cited, we would renounce a valuable branch of trade, now enjoyed, and probably much more than would be gained. You will, therefore, I am sure, see the propriety of removing the doubt and preventing the mischief.

But, even if the proviso was not properly carried out in this part also, I would imply, in its mildest signification, that, after we have brought into the United States the productions or manufactures of the British West Indies, and have, by our own labor, in-
manufactures which British vessels themselves bring hither, because they find it profitable to do so. It dictates too much to the United States in what manner a certain portion of our foreign export trade is to be conducted. And why is Lord Grenville desirous that this should be done? Ought not the British Government to be contented with the advantage which they will possess by being able to carry the productions and manufactures of their West Indies directly to foreign ports, while we should be first obliged to land them in the United States? Besides, we shall expose ourselves, by such a stipulation with Great Britain, to be urged upon the same points by every nation which is entitled to enjoy the privileges of the most favored nation.

The duration of twelve years, given by the seventh article to the treaty, as it respects the trade with Europe, and of only two years, as it respects the trade with the West Indies, will probably be very unacceptable. It will be the more so, as the commercial project of Lord Grenville does not even secure the status quo with the European dominions of Great Britain; that is, it does not secure the particular privileges and exemptions which we now enjoy by proclamation, compared with other foreign nations.

We might, perhaps, be better able to decide what is proper to be done, if we knew how far the whole of one project might be made, in the purpose of the British ministry, the condition for the whole of the other; how far one part of one project may be the condition of another part of the other; or how far any particular part of either project may be the condition of the other. It is great satisfaction, however, to believe that most of these remarks have occurred to yourself, and that the interest of the United States is well reposed in your discernment, talents, and zeal.

I have the honor to be, with the greatest respect, sir, your most obedient servant,

EDM. RANDOLPH.

Mr. Jay to Mr. Randolph—No. 27.

London, January 7, 1793.

Sir,

I have been favored with yours of the 29th October, 3d of November, and 12th of November, with the papers mentioned in them.

Considering the number of capture cases which Mr. Bayard would have to manage, and apprehending that it might cost much time and trouble to prevail on private persons to become sureties for costs, it appeared to me advisable to propose to Lord Grenville a stipulation on that subject.

On the 17th of last month, I had a conference with his lordship. He expressed much satisfaction with Mr. Bayard’s appointment. He considered it as a conciliatory measure, and would, with pleasure, do whatever might depend upon him to facilitate the business. We both saw that difficulties would occur in forming such a stipulation. He promised to consider it, and, after consulting the advocate general, to converse with me again upon the subject.

In the mean time, Colonel Trumbull set about making an accurate list of the papers in my possession, and which Mr. Bayard was to receive from me. That no time might be lost, several of the cases were delivered to him within a few days after his arrival.

On the 29th December, I received the following letter from Mr. Bird, viz:

London, 25th December, 1794.

Dear Sir:

The offer I made two days ago to you and Mr. Finckney was under the impression of the moment, and to give what little assistance might be in my power to remove any difficulty in the arrangements to be made for the adjustment of the appeals from our courts of Vice Admiralty.

On hearing that the security of the United States was to be offered as bail in these appeals, it struck me that, although no possible difficulty could arise as to the validity of the security, an objection might be made to the bail being given by a Government, not liable to be sued, instead of the usual mode of the bail of a person, resident in London, who could be sued. Under this impression, I immediately made the offer that, in such case, where it would be wanted, I and my partners would give the bail, taking the counter security of the United States.

Having since made inquiries in the commons, I find it likely that the objection would be made there on the ground of informality and deviation from the practice of the court, unless it was set aside by an order in council.

Under these circumstances, having consulted my partners, and obtained their full concurrence, I beg leave to repeat the offer, that in all such cases where the security of the United States was intended to be offered, which I suppose to be in those appeals where the parties in America have not the means of giving security by their regular correspondents, and even in these cases, if, to the intention of the United States to give their security in them, my partners and I are ready to give the requisite bail, taking as our counter security the bail of the United States, in such manner and form as you are empowered to give it, and as shall by our counsel be deemed sufficient to secure us, and provide for the reimbursement of such sums as our bail may make us liable to.

This offer is made from an anxious desire to serve both countries, by assisting in pving the way for your obtaining full justice to your citizens for the real injuries they have suffered, particularly under the hasty order of November 6, which, from the first moment of knowing it, I have never ceased to condemn, as equally unjust and impolitic. As nothing but proper compensation for the injuries your citizens have suffered, under that and similar measures, can restore that cordial friendship which it has ever been my wish to promote between the two countries, I trust that, by this offer of my feeble services to America, I cannot give a stronger proof of my zealous attachment to the real interests of my own country.

I have the honor to be, &c. &c.

To the Honorable John Jay, &c. &c.

To this letter I returned the following answer:

London, December 26, 1794.

Dear Sir:

I have been favored with your letter of yesterday, and am much obliged by the offer contained in it, which I think is intended for Mr. Bayard to accept; I will procure an instrument to provide for your being indemnified by the United States, which, when finished, I will submit to your consideration.

A copy of your letter shall be transmitted to the Secretary of State at Philadelphia, and I am persuaded that the friendly conduct of yourself and your partners, on this occasion, will make correspondent impressions on the Government and people of the United States.

I am, dear sir, your most obedient and humble servant,

JOHN JAY.

To H. M. Bird, Esq.

In consequence of Mr. Bird’s offer, I wrote the following letter to Lord Grenville, viz:

To the Right Honorable Lord Grenville, &c. &c.

My Lord:

I have received a letter from Mr. H. M. Bird, of this city, containing an offer to become surety, together with his partners, for costs in the prosecution of claims and appeals in the capture cases, on engagements to be indemnified by the United States.
The difficulties which attend the stipulation on this subject, which I had the honor to propose to your lordship, induce me to think it advisable to accept this offer, and thereby relieve your lordship from further trouble on that head. I shall endeavor to make the necessary arrangements with Mr. Bird and his partners, and will inform your lordship of the result.

I have the honor to be, with great respect and esteem, your lordship's, &c. &c. &c.

JOHN JAY.

To this letter I received the following answer, viz:

DOVER STREET, December 26, 1794.

DEAR SIR: I was about to write to you on the subject of the security, when I was prevented by your obliging letter. A slight indisposition, which has confined me to my room for these last three days, had hindered my seeing the King's advocate, as I had proposed. I had, however, taken some steps to bring the subject under his consideration.

The difficulties which seemed likely to arise, are completely done away by the mode which you have adopted; and I cannot omit this opportunity of again expressing to you the great gratification which we have all derived from so judicious and conciliatory a step as that taken by the President of the United States.

GROSVILLE.

To the Honorable John Jay, &c. &c. &c.

After having prepared the papers which, in my judgment, were proper for Mr. Bayard and myself to execute, in order to indemnify Mr. Bird, I sent them to him for his consideration. On the 3d instant, Mr. Bird called upon me: I explained to him exactly, in the presence of Mr. Pinckney, the precise state of the business; I observed to him that the Congress had not as yet passed any act for appropriating money to these purposes; but I had no doubt but that the arrangements contemplated, and the measures adopted by the President, relative to these cases, would meet with their approbation. He was desirous that the papers should specify the manner in which he should be indemnified. Upon which, he might be obliged to pay. I observed that it was not in my power to make any provision of that kind, without further instructions. We then completed the draughts of the papers. He said he would consult his partners, and inform me without delay of their joint determination. In the evening I received the following letter from him, viz:

JEFFRIES SQUARE, Saturday, three o'clock.

DEAR SIR: My partners agreeing with me that we run no risk in trusting to the honor and integrity of the Executive and Legislature of the United States, to perfect what Mr. Bayard has been authorized to engage for, you may complete the writings, and I will call on you Tuesday at 10 o'clock.

I am, &c. &c. &c.

H. M. BIRD.

Honorale John Jay, Esq. &c. &c. &c.

The following are copies of the papers above mentioned, viz:

Whereas the Secretary of State of the United States of America hath officially informed me that the President of the said United States hath empowered one of his agents to manage the claims and expenses in cases of irregular or illegal captures or condemnations of American vessels, or other property, under color of authority or commissions from His Britannic Majesty: And whereas it will be necessary to the prosecution of the said claims and appeals that the usual security for costs in each cause be given: And whereas Henry Martins Bird, Benjamin Savage, and Robert Bird, of the city of London, merchants, trading under the firm of Bird, Savage, and Bird, have offered to become sureties, jointly or separately, as may be required, in the usual sums and form, for the payment of such costs as may be legally decreed against any such claimants or appellants, on the faith and engagement of the said United States to indemnify them for any losses or damages which they may sustain thereby: And whereas I am empowered and instructed to authorize you to execute bonds and make engagements (under my direction) to effectuate the said purposes: Now, therefore, I do hereby authorize you, in your capacity of agent, aforesaid, to pledge the faith of the said United States to the said Bird, Savage, and Bird, that the said United States shall and will well and truly indemnify the said Bird, Savage, and Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties as aforesaid, and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they or either of them shall be obliged to pay on that account, together with interest for the same.

Given under my hand and seal, the 5th day of January, in the year of our Lord one thousand seven hundred and ninety-five.

JOHN JAY.

Sealed and delivered in presence of

JNO. TRUMBULL,

P. A. JAY.

To Samuel Bayard, Esq.

Know all men by these presents, That, whereas John Jay, envoy extraordinary from the United States of America to His Britannic Majesty, hath made and delivered to me an instrument in writing, under his hand and seal, in the words following, viz:

To Samuel Bayard, Esq.

Whereas the Secretary of State of the United States of America hath officially informed me that the President of the said United States has been pleased to appoint you agent to manage claims and appeals in cases of irregular or illegal captures or condemnations of American vessels, or other property, under color of authority or commissions from His Britannic Majesty; and whereas it will be necessary to the prosecution of the said claims and appeals that the usual security for costs in each cause be given; and whereas Henry Martins Bird, Benjamin Savage, and Robert Bird, of the city of London, merchants, trading under the firm of Bird, Savage, and Bird, have offered to become sureties, jointly or separately, as may be required, in the usual sums and form, for the payment of such costs as may be legally decreed against any such claimants or appellants, on the faith and engagement of the said United States to indemnify them for any losses or damages which they may sustain thereby; and whereas I am empowered and instructed to authorize you to execute bonds and make engagements (under my direction) to effectuate the said purposes: Now, therefore, I do hereby authorize you, in your capacity of agent, aforesaid, to pledge the faith of the said United States to the said Bird, Savage, and Bird, that the said United States shall and will well and truly indemnify the said Bird, Savage, and Bird, and each and every of them, and their respective heirs, executors, and administrators, from and against all damages, costs, and charges, which they shall sustain or necessarily be put to, by reason of their becoming sureties as aforesaid, and will well and truly repay to them, their heirs, executors, or administrators, whatever sums of money they or either of them shall be obliged to pay on that account, together with interest for the same.

Given under my hand and seal, the fifth day of January, in the year of our Lord one thousand seven hundred and ninety-five.
Hereafter, I, the said Samuel Bayard, agent, as aforesaid, have hereunto set my hand and seal, at London, on the day of January, in the year of our Lord thousand seven hundred and ninety-five.

Sealed and delivered in the presence of—

Having more public money in my hands than I shall probably want, and Mr. Pinckney thinking that he could draw some money from Holland, we agreed each to place five hundred pounds in Mr. Bird's hands, as a fund to defray the current expenses of the prosecutions, until the measures to be taken on your side of the water for the purpose can be concerted.

When this is done, I purpose to give Mr. Bayard instructions relative to his drawing and applying moneys from this little fund; as to his agency, in general, I have given him the following, viz:

To Samuel Bayard, Esq., appointed by the President of the United States of America agent for claims and appeals, &c. &c. &c.

Having been made my duty to give you instructions relative to your agency, I think it expedient to give you the following under my hand, and will add to them as circumstances may require:

Agreeably to the advice which you have already received from me, you will procure a proper register, and enter in it the title of every cause, and note the different papers which belong to it, and minute, from time to time, every step taken in the cause.

You will, I think, find it useful to class all the cases according to their discriminating and governing principles and merits. Considering the number and variety of cases, this cannot be hastily accomplished; much examination, care, and judgment, will be indispensable in performing it with accuracy but, without such a classification, there will be no danger of overlooking or misapplying the funds, and all efforts are essentially alike.

If any one or more of the cases cannot, in the opinion of counsel, be prosecuted with a prospect of success, you will, nevertheless, file the claims and appeals, but not proceed further, until you shall have sent the opinions to the Secretary of State, and received his instructions, provided there be time; otherwise it will be best to give one or two of the strongest cases a strenuous trial, even though the last resort; and, in the mean time, take care that none of the others go against you by default.

You will find, that, in many of the cases, necessary documents and proofs are wanting; in such cases state the defects immediately to the Secretary of State; and (when opportunities offer) write also to the claimants or owners, pointing out, very particularly, what you want, and the manner in which the business should be done; and, if you have doubts, consult your counsellors. You know that commissions for examining witnesses abroad may be had, and may be expedient, in cases where extra proofs may be had, and be permitted. By all means avoid delay, and take care to be particular, perspicuous, and explicit, in your communications.

Money will, from time to time, be wanted, to defray the expenses incident to the suits. Mention this to the Secretary of State, in order that proper measures for the purpose may be taken, without loss of time. The fund I am preparing for those expenses will not be adequate.

In some of the cases the claimants or owners will probably constitute agents of their own to manage them; should papers respecting such cases be in your hands, you will deliver them to such agents, taking their receipts for the same; cultivate a good understanding with such agents; be useful to them, and endeavor to dispose them to be useful to you.

You will regularly inform the Secretary of State of your progress and prospects in the business: and I think it would be well to submit to his consideration the expediency of sending you a formal appointment, together with such instructions as may be deemed proper.

Whenever an application to the Government here would, in your opinion, be advisable, and on every other occasion, when you may desire advice and aid, you will apply to me, or, in my absence, to Mr. Pinckney.

You have undertaken an arduous task—great responsibility is attached to it. Although you have able counsellors in Sir William Scott and Dr. Nicholl, yet unremitting attention and diligence, on your part, will be absolutely necessary to your giving even a moderate degree of satisfaction to the many persons whose important interests are confided to your care and management. You will always find me ready to assist you in so conducting your agency as to render it beneficial and satisfactory to them, and honorable to yourself.

Given under my hand, at London, the fifth day of January, in the year of our Lord one thousand seven hundred and ninety-five.

Permit me to suggest the expediency of arranging all matters that may relate to Mr. Bayard's agency, as speedily as possible, and of giving him explicit instructions relative to the conduct of it. I shall, if alive and well, return in the Spring, and it will be best to provide for exchanging the ratifications of the treaty, in case of my absence, by committing that formality either to Mr. Pinckney, if here, or to our consular, Mr. Johnson.

I have had some conversation with the Lord Chancellor about the Maryland cases, and am inclined to think it will have a favorable issue. In this I may be mistaken; but I shall continue to attend to it. During the negotiation I thought I could of and attend to little else.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

John Jay.

P.S. In my opinion, Mr. Pinckney should defer a certain business until the treaty is ratified; it will afford him strong ground for strong measures. I think this Government would rather promote than war the business alluded to; indeed, I am convinced of it, from a variety of considerations.

The Hon. Edm. Randolph, Secretary of State, &c.
Mr. Jay to Mr. Randolph—No. 28.

London, January 31, 1785.

Sir:

You will herewith receive a duplicate of my letter of the 7th instant, to which this will be little more than a supplement; since the date of it no letters from you have come to hand, nor has any thing very interesting to the object of my mission occurred. My health is mended, and I wait with as much patience as I can command, for the day of my return to my country and family.

On the 27th instant Mr. Bayard wrote me the following letter, viz:

Dear Sir:

Your instructions of the 5th reached me on the 8th instant. The receipt of them I wished to acknowledge immediately, but was prevented by the circumstance of then changing my lodgings. Since my removal, I have delayed this duty till I could announce to you some progress in the business under my care.

As you have directed, I have made every possible exertion to procure a proper register, in which, conformably to your recent instruction, I have, with the assistance of a proctor, been engaged in entering the "title of every cause," in their order, as marked in Mr. Trumbull's list: the contents of every record and paper are examined, and the prominent features of every cause are copied into the register. In doing this, the first object of regard is to ascertain whether the usual time of entering an appeal has expired in any of the cases; that, if it has not, but shortly would expire, we might avoid the extra expense, delay, and trouble, of specially applying for leave to enter such appeal. Having accomplished this, our next step will be, agreeably to your instructions, to "classify the cases according to their discriminating and governing principles and merits." After which your other directions will regularly come into operation, and be faithfully executed.

There are, as you observe, sir, "in many of the cases, necessary documents and proofs wanting." In such, as soon as I can possibly with accuracy, I propose "to state the defects to the Secretary of State, and (when opportunities offer) to the claimants or owners." But to supply, for the present, the want of this particular information, I have described minutely to the Secretary of State the kind of evidence, and the mode of authenticating the same, that will be requisite to support the claims and appeals I am about to institute. If this should be communicated to the merchants of the United States, it will inform such as have not sent forward some papers, the deficiencies to be supplied; and it will instruct such as have not yet forwarded any of their proofs, how to render them complete.

There is no one of your instructions, I have more at heart, sir, than that which enjoins me, "by all means, to avoid delay." I am fully aware of the anxiety of the many persons whose interests I have in charge, to obtain a prompt determination of every dispute which they have been illegally deprived. I am aware, also, that our fellow-citizens, particularly those of the Eastern States, from being unaccustomed to great delay in legal controversies, will brook with impatience the dilatory proceedings of the English courts of admiralty. Rest assured, sir, I shall, therefore, diligently exert myself, and constantly urge our proctors to have the cases prepared for a hearing at the earliest moment, that no avoidable delay may exist, but, if any should, that it may not be attributable to us.

The sum of money which the United States will have to advance for the prosecution of this business, I am sorry to say, will be very considerable. I have mentioned to the Secretary of State the average expense that will be incurred in the premises, and the amounts to be provided for by the General Government. The proctors will expect an advance of about thirty pounds, in each cause where proceedings are instituted, which they must disburse to the advocates, register, &c. and for which they will particularly account.

If I am occasionally to take the opinion of counsel, as you intimate, by remarking that "I shall have able counsellors in Sir William Scott and Doctor Nicholl," it seems necessary to apprise you that a compensation for the advice I may take will always be expected.

There are, sir, as you know, sundry agents of American merchants in town, who have under their care some cases of appeal or claim. I have been requested by some of them to assume the direction of these causes, and to prosecute them at the expense of the United States; this, however, I have declined doing, until I could have your express instructions on the subject, which I request, as well for my own government as for the satisfaction of the gentlemen making the application.

In regard to the proctors whom we had best employ, I have made inquiry and taken advice. Messrs. Cricket and Townley, and Mr. Slade, have come forward with the strongest recommendations. Into the hands of the latter gentleman my judgment clearly points it out as our interest to put the larger part of the business; and for these reasons: He has in a Mr. Kcernan a very able assistant; he has not much business at present on hand; he is highly reported among the merchants of the States; he has never stated to the United States, and this is no instance, during the present war, been concerned for captors, but always for neutral claimants; his principles, and many of his friendships, are American. To me, personally, it is more agreeable to support business, than with others.

On the other hand, Messrs. Cricket and Townley have a large mass of the Danish and Swedish business still on hand; this may interfere in some degree with that of our fellow-citizens. Mr. Cricket's public engagements throw the burden of his business on his partner; we cannot, of course, expect a devotion of even the larger part of his time to our cause.

These things, however, sir, I write in perfect submission to your direction. Whatever instructions you may please to give in relation to the claims and appeals I am about to institute, it shall always be my pleasure, as it is my duty, implicitly and cheerfully to obey.

I have the honor to be, &c. &c.

Samuel Bayard.

To the Hon. John Jay, Esq.

To this letter I returned the following answer, viz:

Royal Hotel, Pall Mall, 27th January, 1785.

Dear Sir:

I was this afternoon favored with your letter of yesterday, informing me, among other things, "that there are sundry agents of American merchants in town, who have under their care some cases of appeal or claim, and that you have been requested by some of them to assume the direction of these causes, and to prosecute them at the expense of the United States;" that you had, however, declined doing it, until you should receive my express instructions on the subject.

In my opinion it will be proper for you to state this application to the Secretary of State, and be directed by such instructions as he may send you relative to it. The claimants are now prosecuting these causes by their own agents, and perhaps from preferences; and I much doubt the propriety of your assuming these causes at present, or that you could effect the utmost that can be done. I submit to the attention of my colleagues and advocate, to the American business; he has in no instance, during the present war, been concerned for captors, but always for neutral claimants; his principles, and many of his friendships, are American. To me, personally, it is more agreeable to support business, than with others.

I am the less advised to acquiesce in this opinion, on account of the necessity of employing, for this purpose, the services of Mr. William Scott, from motives of professional delicacy, declined recommending any in particular. Having no personal knowledge of the characters or professional merits of any of them, I found it necessary to be guided by the opinions of others. Mr. Pinckney, our minister, and Mr. Johnson, our consul, assured me, (as I mentioned to you) that Cricket and Townley, whom they had employed, had managed
their business to their satisfaction. Their recommendation is with me decisive, as well from their ability, and means of forming a right judgment, as from the confidence due to their private and public characters. As men, they are judicious and upright; as public officers they gave me their opinions and advice, under a sense of official obligations, and under the influence of that attachment to our country and its interests which foreigners cannot readily be supposed to possess in an equal degree. Besides, it is a maxim with me, that they who are faithful to us, and who conduct our affairs to our satisfaction, should not be neglected by us. Neglect, under such circumstances, gives unmerited pain, and encourages malevolent imputations. For these reasons I think it my duty to instruct you to employ Messrs. Cricket and Townley in all cases in which the claimants shall not have already employed proctors, or in which they shall not otherwise provide, however, that you are perfectly free from all commitments to Mr. Slade. But if you are so circumstanced, relative to that gentleman, as that he has good reason to expect at least some share in the business, then, sir, I think it will be proper to give him such a number of the causes, not exceeding fifty, as in your opinion may be necessary to evince the fairness and sincerity of your intentions, in giving occasion to any reasonable expectations which your communications with him may have led him to entertain.

I postpone observations on pecuniary matters until the arrangement I am making on that subject, and which I mentioned to you, shall be completed. Be assured that every measure which may conduce to facilitate the business of your agency will command the earnest attention and best endeavors of,

TO SAMUEL BAYARD, Esq.

Thus, sir, from this letter, and from No. 27, you will acquire exact information of my proceedings relative to Mr. Bayard's agency. I am endeavoring, in concert with Mr. Pinckney and Sir William Scott, to form such an arrangement relative to pecuniary matters as to regulate payments to the proctors, to prevent improper charges, and so to conduct that part of the business, as that proper vouchers for all the expenditures may be kept and preserved. I am solicitous to prevail on Sir William Scott to examine the proctor's bills, and certify them to be right before they are paid. He has taken the subject into consideration, but as yet I have not got his answer. There are difficulties in forming this arrangement; I will do the best I can.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

Hon. Edm. Randolph, Esq., Secretary of State, &c. &c.

P. S. Such is the nature and magnitude of the business of these capture cases, as that, on certain occasions, diplomatic, and prudential, as well as legal proceedings may be advisable. Having maturely reflected on the subject, I take the liberty of submitting to your consideration the propriety of giving Mr. Pinckney a general superintendence over the business, and authorizing him to give Mr. Bayard such instructions as he may from time to time judge proper.

Mr. Jay to Mr. Randolph—No. 29.

London, February 2d, 1795.

SIR: It occurs to me that I have omitted to inform you that, after signing the treaty, I took the three first opportunities which offered, of writing to our minister at Paris, 'that it contained an express declaration that nothing contained in it should be construed, or operate, against existing treaties between the United States and other Powers.

The following are copies of those letters, viz:

No. 1.

London, November 24th, 1794.

SIR: It gives me pleasure to inform you that a treaty between the United States and His Britannic Majesty was signed on the 19th instant.

This circumstance ought not to give any uneasiness to the Convention. The treaty expressly declares that nothing contained in it shall be construed or operate contrary to existing treaties between the United States and other Powers. I flatter myself that the United States, as well as all their ministers, will, upon every occasion, manifest the most scrupulous regard to good faith; and that those nations who wish our prosperity will be pleased with our preserving peace and a good understanding with others.

I have the honor to be, &c.


No. 2.

London, November 25th, 1794.

SIR: By a letter written and sent a few days ago, I had the pleasure of informing you that, on the 19th instant, the principal business of my mission was concluded by a treaty signed on that day.

It contains a declaration that it shall not be construed nor operate contrary to our existing treaties. As, therefore, our engagements with other nations remain unaffected by it, there is reason to hope that our preserving peace and a good understanding with this country, will not give uneasiness to any other. As the treaty is not yet ratified it would be improper to publish it. It appears to me to be, upon the whole, fair, and as equal as could be expected. In some respects both nations will probably be pleased, and in others displeased.

I have the honor to be, with great respect, &c.


No. 3.

London, November 28th, 1794.

SIR: Within this week past I have written to you two letters, to inform you that, on the 19th instant, a treaty between the United States and His Britannic Majesty was signed. The design of this letter is chiefly to introduce to you Mr. Pleasants, of Philadelphia, whose connections there are respectable. I have not the pleasure of being personally acquainted with this gentleman, but as a fellow-citizen I wish to do him friendly office; and I am persuaded that a similar disposition on your part will ensure to him such a degree of attention as circumstances may render proper.

As Mr. Pinckney has a cipher, with our other ministers in Europe, either he or I will shortly use it, in communicating to you the principal heads of the treaty confidentially. You need not hesitate, in the mean time, to say explicitly that it contains nothing repugnant to our engagements with any other nation.

With the best wishes for your health and prosperity, I have the honor to be, &c.

The Hon. James Monroe, Esq. Minister of the United States to the French republic.
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Mr. Jay to Mr. Randolph—No. 30.

London, February 5, 1795.

Sir:

I received yesterday the following letter from Mr. Monroe, our minister at Paris, viz.

Paris, January 17, 1795.

Sir:

Early in December last, English papers were received here, containing such accounts of your arrangements with the British administration as excited much uneasiness in the councils of this Government, and I had it in contemplation to despatch a confidential person to you, as much information of what had been done, as would enable me to remove it. At that moment, however, I was favored with yours of the 25th November, intimating that the contents of the treaty could not be made known until it was ratified, but that I might say it contained nothing derogatory to the existing treaties with other Powers. Thus advised, I thought it improper to make the application, because I concluded the arrangement was real, and not to be departed from. I proceeded, therefore, to make the best use in my power of the information already given.

To-day, however, I was favored with yours of the 28th of the same month, by which I find you consider yourself at liberty to communicate the contents of the treaty; and as it is of great importance to our affairs here to remove all doubt upon this point, I have thought fit to resume my original plan of sending the necessary information, and have, in consequence, despatched the bearer, Mr. John Purviance, for that purpose.

I have been the more induced to this, from the further consideration, that, in case I should be favored with the communication of its particular and satisfactory information, it would be impossible for me to comprehend it, as Mr. Morris took his off with him. Mr. Purviance is from Maryland, a gentleman of integrity and merit, and to whom you may commit whatever you may think proper to confide, with perfect safety. It is necessary, however, to observe, that, as "nothing shall satisfy this Government but a copy of the instrument itself," and which, as our ally, it thinks itself entitled to, so it will be useless for me to make to it any new communication short of that: I mention this, that you may know precisely the State of my engagements here, and how I deem it my duty to act under them in relation to this object. I beg leave to refer you to Mr. Purviance for whatever other information you may wish to have either on this subject or the affairs more generally of this republic.

I have the honor to be, with great respect, your most obedient servant,

JAMES MONROE.

To this letter I returned the following answer, viz:

London, February 5, 1795.

Sir:

I have received the letter which you did me the honor to write on the 17th of last month, by Mr. Purviance. It is much to be regretted that any misunderstanding, in English newspapers, of my "adjustments with the British administration," should have excited much uneasiness in the councils of the French Government; and the more so, as it does not imply that confidence in the honor and good faith of the United States which they certainly merit.

You must be sensible that the United States, as a free and independent nation, have an unquestionable right to make any pacific arrangements with other Powers which mutual convenience may dictate; provided, those arrangements do not contradict or oppress their prior engagements with other States.

Whether this adjustment was consistent with our treaty with France, struck me as being the only question which could demand or receive the consideration of that republic, and I thought it due to the friendship subsisting between the two countries that the French Government should have, without delay, the most perfect satisfaction on that head. I therefore, by three letters, of the 24th, 25th, and 28th of November, 1794, gave you what I hoped would be very acceptable and satisfactory information on that point. I am happy in this opportunity of giving you an exact and literal extract from the treaty; it is in these words, viz:—

"Nothing in this treaty contained shall, however, be construed, or operate, contrary to former and existing public treaties with other Sovereigns or States."

Considering that events favorable to our country could not fail to give you pleasure, I did intend to communicate to you concisely some of the most interesting particulars of this treaty, but in the most perfect confidence, as that instrument has not yet been ratified, nor received the ultimate forms necessary to give it validity. As further questions respecting parts of it may yet arise, and give occasion to further discussions and negotiations, so that, if finally concluded at all, it may then be different from what it now is, the impropriety of making it public, at present, is palpable and obvious; such a proceeding would be inconvenient, and unprecedented. It does not belong to ministers or public bodies to put things even when perfected, much less treaties not yet completed, and remaining open to alteration, or rejection. Such acts belong exclusively to the Governments who form them.

I cannot but flatter myself that the French Government is too enlightened and reasonable to expect that any consideration ought to induce me to overlap the bounds of my authority, or to be negligent of the respect which is due to the United States. That respect, and my obligations to observe it, will not permit me to give, without the permission of their Government, a copy of the instrument in question, to any person, or for any purpose, and by no means for the purpose of being submitted to the consideration and judgment of the councils of a foreign nation, however enlightened.

I will, sir, take the earliest opportunity of transmitting a copy of your letter to me, and of this in answer to it, to the Secretary of State, and will immediately and punctually execute such orders and instructions as I may receive on the subject.

I have the honor to be, with great respect, sir, your most obedient humble servant,

JAMES MONROE.

The Hon. JAMES MONROE, Minister of the United States of America to the republic of France.

As this letter and the answer to it speak for themselves, I forbear making any remarks.

I have the honor to be, with respect and esteem, sir, your most obedient and humble servant,

JAMES MONROE.

The Hon. EDMUND RANDOLPH, Esq. Secretary of State.
Mr. Jay to Mr. Randolph—No. 31.  

LONDON, 6th February, 1795.

Sir:

I was yesterday honored with yours of the 3d December last. Our vessels here being confined by the ice, I think it best to send you some despatches by the packet.

In considering the treaty it will doubtless be remembered, that there must be two to make a bargain. We could not agree about the negroes. Was that a good reason for breaking up the negotiation? I mentioned, in a former letter, that I considered our admission into the islands as affording compensation for the detention of the posts, and other claims of that nature. In that way we obtain satisfaction for the negroes, though not in express words.

We are not obliged, by treaty, to permit the French to sell prizes in our ports. By denying that privilege to all, we adhere to the line of impartiality, and without being assured of impartiality on our part, Britain would not have granted us what she has.

I wish the season had permitted me to accompany the treaty, for I think it is in my power to give you satisfactory answers to every question that can arise from it.

I have the honor to be, with respect and esteem, sir, your most obedient servant,

JOHN JAY.

Mr. Jay to Mr. Randolph—No. 32.  

LONDON, 23d February, 1795.

Sir:

This letter will comprise a duplicate of my letter to you, No. 30, of the 5th instant, and also a copy of an additional letter which I wrote to Mr. Monroe, on the 19th instant, and which will be carried to Paris by Col. Trumbull. (See No. 30.)

Copy of an additional letter, viz:  

LONDON, 19th February, 1795.

Sir:

On the 5th of this month I had the honor of writing to you a letter, in answer to yours of the 17th ult. by Mr. Purviance, who is still here waiting for an opportunity to return, and who will be the bearer of that letter.

You will receive this by Col. Trumbull, who, for some time past, has been waiting for an opportunity to go through Paris, according to Mr. Stuygard, on private business of his own. He did me the favor to accompany me to this country, as my secretary. He has been privy to the negotiation of the treaty between the United States and Great Britain, which I have signed; and having copied it, is perfectly acquainted with its contents. He is a gentleman of honor, understanding, and accuracy, and able to give you satisfactory information relative to it. I have thought it more advisable to authorize and request him to give you this information personally, than to send you written extracts from the treaty, which might not be so satisfactory. But he is to give you this information in perfect confidence that you will not impart it to any person whatever; for as the treaty is not yet ratified, and may not be finally concluded in its present form and tenor, the inconveniences which a premature publication of its contents might produce, can only be obviated by secrecy in the mean time. I think myself justifiable in giving you the information in question, because you are an American minister, and because it may not only be agreeable, but, perhaps, useful.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

JOHN JAY.

The Hon. James Monroe, Esq.  

Minister of the United States of America to the republic of France.

I flatter myself that these letters which I have written to Mr. Monroe will meet with the President's and your approbation.

I have the honor to be, with sentiments of respect and esteem, sir, your most obedient and humble servant,

JOHN JAY.

P. S. I have been honored with yours of the 4th November, and 11th and 16th of December, and with duplicates of yours of 15th, 20th, and 23d December last, and, in reply, shall write by one of the Philadelphia vessels, soon to sail.

Mr. Jay to Mr. Randolph—No. 33.  

LONDON, 5th March, 1795.

Sir:

On the 7th of last month I received the letter you were so obliging as to write me on the 16th December last, requesting to be informed what would probably be required for my expenditures, over the eighteen thousand dollars, in order that you might lodge a proper sum for me in Amsterdam.

It gives me pleasure to inform you that the eighteen thousand dollars will, in my opinion, be more than sufficient for the expenses incident to my mission. When you receive my letter respecting Mr. Bayard's agency, and the expenses that will attend it, and for which provision was yet to be made, you will be informed of my intention to apply part of these eighteen thousand dollars to those expenses; and consequently, that further supplies to me would not be requisite. It is, nevertheless, proper that I should write to you particularly about my expenditures, and I should have done it sooner, had I been less engaged about other matters more immediately interesting.

On considering of the manner of dwelling most advisable for me to adopt during my stay here, four plans or modes engaged my attention. To take a house and purchase furniture, &c.; to take a house and hire furniture, &c.; to take lodgings to reside in a hotel.

To take a house and furnish it, to hire and provide for the number of servants that would be necessary, to purchase the plate, china, glass, linen, liquors, kitchen utensils, and the many other articles which, according to the most strict rules of economy and propriety, would be indispensable, would, with the expense of a decent table, carriage, &c. required by the whole sum allotted. On my return to America, all these things would remain to be sold at auction, and at a very great loss.

To take a house and hire the furniture, and the numerous other necessary articles, was liable to objections equally strong. The ordinary rate of hire, I was told, amounted to an exceeding high interest on the prime cost. I should be responsible for loss, waste, and damage, and be exposed to disputes, and extravagant demands about them.

An equal number of servants would be requisite, and the losses from their peculation and mismanagement would be the same. To go into lodgings, I soon found was out of the question, there being none of a proper class, where a table would be provided. From these concise hints, you will perceive, that of these plans, that of residing in a hotel was the most expedient.

The expenses of living in a hotel are well known to be extravagantly high, but they are simple; many servants would not be necessary; and, on calculation, it became evident that the excess in the price of every thing which I should there pay, would not amount to near as much as the losses and extra expenses incident to either of the
two first mentioned plans. But had this been otherwise, there was an objection which appeared to me of still greater importance. As I expected to remain in this country only until my business should be finished, any thing that looked like a settled establishment would have counteracted the idea of a residence only for a few months, and would naturally have created and justified an opinion, that I did not expect to have my negotiations terminated with that expedition which I professed and pressed.

To reside in a hotel not being usual for a foreign minister, I took care to let it be known that I expected to return in the course of a few months, and therefore could have no inducement to take a house.

The hotel I preferred is the one I am still in, viz: Royal Hotel, in Pall Mall, near St. James, the first, but the most expensive in London. My reasons for preferring the first must be obvious to you, and need not be particularlyized. I have but three servants, the one I brought with me, a footman, and a cookman; yet my expenses run high, and the bills are often so exact as to exact some of my patience. I know that I pay more than is reasonable, and am frequently charged rather according to the station I am in than the value of what I have; but I am nevertheless certain that, in this situation, less of the public money in my hands will be expended, than in any other in which I could, with propriety, have placed myself.

Having perfect confidence in the accuracy, as well as integrity of Col. Trumbull, I have made it an invariable rule, from the beginning, to commit to him the settlement and payment of all accounts, and the keeping of the books in which they are entered. I have, therefore, given him successive orders on my bankers for generally about one hundred pounds at a time, for which he made himself debtor, and regularly accounted. I regret that his private concerns call him to Stagtag, but that being the case, I could not refuse my consent. His salary is paid up to the last day of the month; my son will retire for him as secretary during his absence, so that his appointment and salary will continue until my departure for America. Until his return, I shall cause all moneys paid out to pass through the hands of my son. Pecuniary transactions for others are always delicate, and the utmost care and fidelity will not always be sufficient to guard one against the suspicions and imputations which certain characters (common to all countries) may find it convenient to germinate and encourage.

When Mr. J. Q. Adams was here, on his way to Holland, I advanced him fifty guineas. The following extract of a letter from him, of the 21st November last, explains the manner in which that sum is to be accounted for to the public:—

"The fifty guineas for which you was so obliging as to give me an order upon Messrs. Casanove, our bankers here have agreed to charge to my accounts; it will therefore be no further troublesome to you."

The bills you gave me for 40,476.4 on Amsterdam, were negotiated by Messrs. Casanove, and produced in sterling.

The draft for $1,000 on the Branch Bank at New York, produced 3,391 13 5

Thus, &c.

| £3,611 &c. |

Of this money somewhat more than one-half still remains, and there are no outstanding accounts to pay.

With sentiments of respect and esteem, I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

To the Hon. Edmund Randolph, Secretary of State, &c.

Mr. Jay to Mr. Randolph.

New York, May 28, 1795.

Sir:—

It appearing by advices from America, that the treaty had not arrived at Philadelphia the last of February, I concluded that the ratification could not reach me in season to return in any of the Spring vessels that yet remained, I embarked at Bristol, the 19th April, on board the Severn, Captain Goodrich, and landed here this afternoon, when I had the pleasure of receiving yours of the 26th of last month. Not having had a well day during the voyage, I am at present too feeble to undertake a journey to Philadelphia; perhaps I may in a week or ten days be so far recovered as to be able to perform it. I will be useful that we confer. At this moment I cannot enlarge, for want of leisure; besides, I find myself greatly fatigued. Remember me to the President. Accept my thanks for your obliging attention to Mrs. Jay.

Yours, &c.

JOHN JAY.

The Hon. Edmund Randolph, Secretary of State, &c.

Mr. Jay to Mr. Randolph.

New York, June 1, 1795.

Sir:—

Last Thursday evening I wrote you a few hasty lines, to inform you that I had just arrived; that I had received your letter of the 36th ult.; that I was too feeble to repair immediately to Philadelphia; and that I hoped to be able to undertake the journey in eight or ten days. Be so good as to inform me whether I may expect you here if not, I will go for a few days out of town, where I should probably recruit faster than at home. I shall attempt the journey to Philadelphia within a fortnight, unless I should grow weaker, which I do not apprehend. The communications proposed for the Senate indicate the disposition I expected. I had no apprehensions on that head, being persuaded that those communications would be entirely directed by regard to public good. Be pleased to present my respectful compliments to the President.

With sentiments of respect and esteem, I remain, sir, your most obedient servant,

JOHN JAY.

The Hon. Edmund Randolph, Secretary of State.

Mr. Jay to Mr. Randolph.

New York, June 1, 1795.

Sir:—

Since writing to you this morning by Mr. Bingham, I have been honored with yours of the 30th ult. Your reasons for not thinking it advisable to leave Philadelphia at present, are, I think, conclusive. In the course of the next week, I hope to be with you; and then to give you more full and satisfactory answers to your letter, than the following concisely, viz: To the first question. In my opinion the views of Great Britain, when I arrived there, had been and then were, so far bêtele to us as they had been rendered so, by popular indications of a disposition in this country to aid France in the war against her.

2. I am convinced that the evacuation of the posts at a more early period was (for the reasons mentioned in my letter on that subject) untenable. It was my duty, and I have strenuously, and, I believe, successfully, endeavored to exhaust their ultimatums.

3. Notwithstanding all that could be said, to postpone the prohibition to sell prizes, until after the present war, it was insisted that, as, on the one hand, they asked nothing from us but what they had a right to expect from a neutral nation, so, on the other, that no deviations from the line of impartiality (not stipulated for by our pre-existing treaties) could possibly be admitted.
FOREIGN RELATIONS.

4. Most clearly the treaty does prohibit the re-exportation from the United States, in American vessels, of the West India commodities enumerated in the treaty, though brought from French islands, if being impossible to distinguish, but we may carry them from French or other Islands (not British) to Europe. That article being offered as a proviso only, with the stipulation with it, cannot admit of it, and cannot possibly be interpreted to prohibit the re-exportation of the enumerated articles. If the article should be regarded as ineligible, might not the passing of those laws be postponed, and the trade continue to go on as at present? taking care properly to represent to the British Government, that if we insist on the article, it will lead to the absolute prohibition of all foreign trade, necessitating the re-exportation, and mutilating the commerce of the United States. The British Government, however, ought to be furnished with the means of pursuing that commerce; and this article, if it be not available in a peaceable manner, ought to be thrown in our teeth, and请求 their consent to its remaining dormant. In my opinion, however, it is manifestly our interest to accept and to execute it; especially considering its very limited duration, and the probability of its being introductory to more favorable arrangements, as the public mind in Britain shall gradually become more reconciled to this, and the other unfortunate consequences from their navigation and articles of commerce.

5. The Danish stipulations were not adjusted when our treaty was signed; and I have no ideas of their obtaining better terms.

6. The discussions in the admiralty will probably be tedious, and the more so from the want of documents in the great majority of the cases in a large number of them, appeals and claims have not yet been lodged, for want of the names of the parties.

7. Such orders may be expected as the treaty, according to its true intent and meaning, shall dictate. I believe, however, that the existing executive will continue the laws in force, and the cases of which this treaty, in any part, does not affect.

With sentiments of respect and esteem,
I have the honor to be, sir, your most obedient and humble servant,

JOHN JAY.

The Honorable Edm. Randolph, Esq. Secretary of State, &c. &c.

Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty, and the United States of America, by their President, with the advice and consent of their Senate.

His Britannic Majesty and the United States of America being desirous, by a treaty of amity, commerce, and navigation, to terminate the disputes which have arisen between his Majesty, as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding, and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, His Britannic Majesty's plenipotentiary, Edm. Randolph, Esq., and aforesaid, for the purpose of a full and perfect conclusion of a treaty of commerce and navigation between his Majesty and the United States, and to conclude the said United States, and their envoy extraordinary to His Majesty who have agreed on and concluded the following articles:

Art. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, and the several towns, cities, and other places and parts of each of them, of every denomination, without any exception of persons or places.

Art. 2. His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall be taken in the interval by concert between the Government of the United States and His Majesty's government in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts; the United States, in the mean time, at their discretion, extending their settlements to any part within the said boundary lines, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unimpeded, all their property, of every kind, and shall be free to carry on, all necessary transactions with British subjects, and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their own disposal; and if any property be taken from them, or if any of them be detained in any manner by the Americans, the British plenipotentiary shall have the most unremitting endeavors to get it restored to them, and to bring the persons concerned to justice. It is also agreed that the treaty does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks, of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect.

Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect.

Art. 3. It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But, it is understood that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks, of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect.

Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect.

In like manner, all goods and merchandise whenever imported into the United States, shall be free to all the subjects of his Majesty, without any duty or impost thereon, and may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by the citizens of his Majesty, on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whenever imported into his territories, shall be free to all the citizens of the United States, and may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by his Majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties than would be payable by the citizens of the United States, on the importation of the same from the United States into the said territories.

And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties, respectively, paying duty as aforesaid.

Art. 4. That the duties of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the territories of the other party, nor shall any of the Indians pass thereon, without the consent of the party with which the Indians shall be respectively of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of carriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reimported and carried to some other place or
places. But as, by this stipulation, it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the portages, in order to prevent such frauds as might arise from the continuance of the same in this respect.

As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary redresses to be obtained where they may have been delayed or prevented.

Art. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States, it is agreed that measures shall be taken in concert between His Majesty and the United States, for making a joint inspection of the said river, from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that, if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to adjust the parts to be judged of, according to the said inspection, and to treat the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

Art. 5. Whereas doublets have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz: One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or, if they cannot agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot. And the presence of the two original commissioners, so appointed, shall be sworn impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to any other place or places as they shall think fit. They shall have a quorum of two; and such or other persons as they shall think fit to appoint, shall be sworn in as clerks and stenographers; and the said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularly mention, in full and particular, the course, the limits, the turns, the indentures, the river, and other particular parts of the said river, of which they have had knowledge, made by means of their agents and their steps, or for which they have been informed, and the information are and shall be part of their journal. They shall also state the account of their journals, and of the proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

Art. 6. Whereas it is alleged by divers British merchants, and others, His Majesty's subjects, that debts to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or subjects of the United States, and that in the absence of various causes, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot obtain, and actually have not and cannot receive full and adequate compensation for such losses and damages which they have sustained, either before the peace, or for such losses and damages which they will sustain when the peace shall be performed; not, for whatever reason, but actually obtained, had, and received, by the said creditors, in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors; but it is distinctly understood that this provision is made only to compensate such debts as have been occasioned by the lawful impediments of the war, and not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss, if the said impediments had not existed, nor to such losses or damages as have been occasioned by the manifest delay or negligence, or willful omission, of the claimant.

For the purpose of ascertaining the amount of such losses and damages, five commissioners shall be appointed, and authorized to meet and act in manner following, viz: Two of them shall be appointed by His Majesty, two of them by the President of the United States, and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners shall choose a fifth. The said commissioners, and of the said five, shall sit together, and by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of the four original commissioners, that I will, so far as in me lies, act with good faith, and swear, or affirm, that I will honestly, diligently, impartially, and carefully examine, and, to the best of my judgment, and belief, report the amount of such debts, claims as aforesaid, and the commissions shall be put to each of the said commissioners; and that I will forbear to act as a commissioner in any case in which I may be personally interested.

The said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commissioners, provided that one of the said commissioners named on each side, and the fifth commissioner, shall be present; and all decisions shall be made by the majority of the voices of the commissioners then present.

Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are, nevertheless, authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term, not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place, as they shall see cause.

All parties, citizens and applicants of the States, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same, respectively, according to the manner of the several cases, the degree being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners are hereby authorized to make such rules and regulations as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts, or other written or printed or other evidence, as shall be proper according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

The said commissioners, or of the said commissioners, or of two of the said commissioners, as agreed on, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the same to be paid to the creditor or claimant, and the United States undertake to pay the sum so awarded to be paid in specie to such creditor or claimant, without deduction, and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on the payment whereof the United States will be paid by the said commissioners the sum so paid; provided, always, that no such payment shall be made by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

Art. 7. Whereas complaints have been made by divers merchants and other citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color
of authority or commissions from His Majesty; and that, from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed that, in all such cases where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received, by the said merchants and others, in the ordinary course of their business, the present proclamation for the said complaints. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or willful omission, of the claimant.

That, for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, who shall be entitled to act in the manner and in the manner laid down in the preceding article; and after having taken the same oath or affirmation, (mutatis mutandis) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence, in like manner as the like decisions in the United States courts, and shall decide the case upon such evidence as to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them, as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim and the amount of the damages, or of both, and such award shall be binding on the parties respectively, and be paid to the said claimants, or to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given by the claimant, as the said commissioners may be directed.

And where it shall be shown that His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States, and brought into the ports of the same, or taken by vessels originally armed in ports of the said States, it is agreed that, in all such cases, the said complaints shall be attended to in like manner, as to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1778, a copy of which is annexed to this treaty, the complaints of the parties shall be, and hereby are, referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed, in the like manner, relative to these as to the other cases committed to them; and the United States undertake to pay to the said claimants or claimants, in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments to be given by the claimants, as in the said awards may be directed; and, it is agreed, that exclusive of any claim for salvage, the said commissioners shall have no power to make any award of the exchange of the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning, of this article.

Art. 8. It is further agreed that the commissioners, mentioned in this and the two preceding articles, shall be compensated in manner and amount agreed on; and shall be paid at the time of the exchange of the ratifications of this treaty. And all other expenses, attending the said commissioners, shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of such commissioner, shall be supplied by such other commissioner as was first appointed, and the new commissioners shall take the same oath or affirmation, and do the same duties.

Art. 9. It is agreed that British subjects, who now hold lands in the territories of the United States, and American citizens, who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise, the same, to whom they may think fit; provided, that the said lands may be held, in the same manner as lands in the United States; and all sales of the same, or assignments, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as alien.

Art. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private banks, shall ever, in any event of war or other military operations, be impressed, levied upon, or contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority, on account of national differences and discontent.

Art. 11. It is agreed, between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limits, and conditions, and in the fairs, and such as shall be ascertained, and declared, by the British and American commissioners, in the said preceding articles.

Art. 12. His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies, from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandise, being of the growth or manufacture of the United States, or of the said islands, or of the United States, and of the said islands, as the case may be; and to carry such goods or merchandise, or of the said States, which is or may be lawful to carry to the said islands or parts from the said States, in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable by the said vessels, and at the same time, in all respects, as the said vessels in British vessels.

And His Majesty also asserts that it shall be lawful for the said American citizens to purchase, load, and carry away, in their said vessels, to the United States, from the said islands and ports, all such articles, being of the growth, manufacture, or produce, of the said islands, as may now by law be carried from them to the said States in British vessels, and subject only to the same duties and charges, on exportation, to which British vessels and their cargoes are, or shall be, subject, in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only; being accurately and distinctly declared in the conclusion of this article. The United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American vessels, either from His Majesty's islands, or from any part of the world, except the United States, reasonable sea stores excepted. Provided also, That it shall and may be lawful to carry from the United States, and from the said islands, and the export from the United States to the said islands, all articles whatever, being of the growth, produce, or manufacture, of the said islands, or of the United States, respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the British vessels shall be subject to no other or higher duties, or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the day of the termination of the said war, or any part or any of the said wars, of perpetual duration.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavor further to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself; being hereby understood that it is a view on the part of the American congress, to the advantage and commerce of the said States, and the said States will be regular, and be rendered as favorable article ever.

Art. 13. His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted, and hospitably received, in all the seaports and harbors of the British territories in the East Indies; and that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation, respectively, to or from the said territories, shall
not be entirely prohibited. Provided, only, That it shall not be lawful for them, at any time of war between the British Government and any other Power or State whatever, to export from the said territories, or from the said Government, permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, or to higher tonnage duty then shall be payable on the vessels of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to such as are carried on board their vessels to be sold in the said territories, and shall be considered as carrying on the said vessels, duties and charges, which shall be payable on the same articles when imported or exported in British vessels.

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes to or from the ports of the United States, whether British, or other, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there. And the said Individuals or the British Government in this respect, the observance of the same shall and may be enforced against the citizens of American in the same manner as against any British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place within the same, shall always be subject to the laws, governmental, and jurisdictional, of whatever nature, established there in such harbors, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

ART. 14. There shall be, between all the dominions of His Majesty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories of the other, and to go out, and bring in, such merchandise and manufactures, as they shall think fit, without any limitation of time. Also to hire and possess houses and warehouses, for the purposes of their commerce, and for the accommodation of their merchants and traders, on each side, shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries, respectively.

ART. 15. It is agreed that no duties shall be paid by the ships or merchandise of the one party, in the ports or harbors of the other, than such as are paid by the like vessels or merchandise on the parts of the other, or other or higher duty be imposed in one country, on the importation of any articles, the growth, produce, or manufacture, of the other, than are, or shall be, payable on the importation of the like articles, being of the growth, produce, or manufacture of the one party, and the said duties or prohibitions be imposed on the exportation or importation of any articles to or from the territories of the two parties, respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels, entering into the British dominions in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to counteract the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

It is agreed to be free to treat for an exact equalization of the duties on the respective navigations of their respective subjects and people, in such manner as may be agreed to by the United Kingdom and the United States. Each port shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed that the United States will not impose any duties, to prevent delay, in deciding the cases of cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be due by the owners or masters of such ships.

Either of the parties may except, from the residence of consuls, such particular places as such party shall judge proper to be so excepted.

ART. 17. It is agreed that, in all cases where vessels shall be captured or detained, on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels may be seized and held; and if they can be proved by sufficient evidence that any may be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessels and cargoes be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay, in deciding the cases of cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be due by the owners or masters of such ships.

In order to regulate what is in future to be esteemed contraband of war, it is agreed that, under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, caissons, carriages for cannon, musket rest, hammers, bayonets, and, in general, all visible means of war, as well as every sort of ammunition, furniture, holsters, belts, and, generally, all other implements of war as also, timber for shipping, iron bars, nails, copper in sheets, nails, hemp and cordage, and, generally, whatever may serve directly to the equipment of vessels, appearing on the deck, or in the hold of vessels, and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be conveyed to an enemy.

But whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally contraband, may be regarded as such, renders it inexpedient to provide against the inconveniences and mischiefs of dispute and error, it is agreed that, in such cases, the same shall be decided, according to the existing laws of nations, shall, for that reason, be seized, the same shall not be liable to confiscation, and the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government of the United States, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

Whereas it is agreeable to the wishes of the inhabitants of the United States, and to prevent their suffering injuries by the men of war, or privates, of either party, all commanders of ships of war, and privates, and all others the said subjects and citizens, shall forbear doing any damage
to the other of the party, or committing any outrage against them; and if they act to the contrary they shall be punished and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security, by all means and in all cases, in the hands of such judge, or her officers, as shall be directed by the laws and instructions for regulating their conduct; and further that, in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed that, whenever a judge of a court of admiralty, of either of the parties, shall pronounce sentence against any of the subjects, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

Art. 20. It is further agreed that both the said contracting parties shall not only refuse to receive any pirates in their admiralties, or in their courts, or in any other court in which any of their subjects, or their agents, may be permitted to assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandise taken by them and brought into the ports of either of the said parties, shall be seized, as far as the laws, or the laws of the other party, or the law of the land, shall allow, and shall be restored to the owners, or their factors, and their agents, duly deputed and authorized, in writing, by them, (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect, that they had been piratical.

Art. 21. It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, to enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist, in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be equally and simultaneously executed, as far as any existing laws or treaties with any foreign nation, except any foreign commission, or letters of marque, for arming any vessel to act as a privateer, against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

Art. 22. It is further agreed that neither of the said parties will order or authorize any acts of violence against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Art. 23. The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews being subject to the laws and Government of the country. The officers and men shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and safety of the two nations. And His Majesty consents that, in case an American vessel should, by stress of weather, be driven into the port of any of His Majesty's territories, into which said vessel could not, in ordinary cases, claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and be permitted to refit, and to send out their provisions and market their effects, and may be authorized to take the privileges and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk, or unload her cargo, unless the same shall be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Art. 24. It shall not be lawful for any foreign privies (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation, to arm their ships in the ports of either of the said parties; and if they do arm such ships, nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

Art. 25. It shall be lawful for the ships of war and privies belonging to the said parties, respectively, to carry, wheresoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the other party, or to the subjects or citizens of the other party. And His Majesty consents that, in case any of the ports of the said party, be detained or seized; neither shall the searchers, or other officers of those places, visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the said established laws of customs, navigation, or commerce) nor shall such officer take cognizance of any act of such seizing; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privies shall be obliged to do. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but, if forced, by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed, or operate, contrary to former and existing treaties with other Sovereigns or States. But the two parties agree that, while they continue in any manner to be united by the ties of friendship, it shall be consistent with the stipulations of this treaty, that one party shall be the first to renounce, in the case of hostilities with another, the use of cannon shot; nor shall the said party, as between their subjects or citizens, be permitted to use the said shot.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers, of their territories, by ships of war, or other armed vessels, without reasonable cause, and shall only allow to be taken into possession of the said party, those territories whose territorial rights shall have been violated, shall use his utmost endeavors to obtain, from the offending party, full and ample satisfaction for the vessels or vessels so taken, whether the same be vessels of war, or merchant vessels.

Art. 26. If at any time a rupture should take place (which God forbid) between His Majesty and the United States, or between the merchants and others, of each of the two nations, residing in the dominions of the other, they shall have the privilege of remaining, and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and, in case their conduct should render them suspected, and the Governments should think proper to order them to remove, they may then or at any other time be ordered by the said Governments for that purpose, to remove, with their families, effects, and property: but this favor shall not be extended to those who shall act contrary to the established laws: and, for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective Governments shall have given due notice of their determination, to the other, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other, and that without prejudice to their mutual friendship and good understanding.

Art. 27. It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice all per-
sions who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other; provided, that this shall only be done on such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

Art. 28. It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that, whereas the said twelfth article will expire, by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall, by concert, be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected, and ready to take place. But, if it should, unfortunately, happen, that His Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly, this treaty, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed, with punctuality and the most sincere regard to good faith. And whereas it will be expedient, in order the better to facilitate intercourse, and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want or to renew with his said plenipotentiary, cannot be, or shall not be, included in the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them, as that they may conduct to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of, this treaty.

In faith whereof, we, the undersigned, ministers plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE, [L. s.]
JOHN JAY. [L. s.]

4th Congress,
No. 107.
1st Session.

MOROCCO.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1795.

Gentlemen of the Senate:

Herewith I transmit, for your information and consideration, the original letter from the Emperor of Morocco, recognizing the treaty of peace and friendship between the United States and his father, the late Emperor, accompanied with a translation thereof, and various documents relating to the negotiation by which the recognition was effected.

UNITED STATES, December 21, 1795.

Extract from Instructions from the Secretary of State to Colonel David Humphreys, dated March 38, 1795.

"With respect to Morocco, it is proposed to obtain from the Prince Muley Soliman, a recognition of the treaty between the United States and his father, the former Emperor. This you will endeavor to effect, if possible, for twenty thousand dollars; but if you shall find that it cannot be accomplished under twenty-five thousand dollars, you are authorized to go to that amount. This negotiation you may either accomplish yourself, or by such agency as you shall deem best calculated for the purpose, according as you shall find the state of affairs in Morocco upon your arrival in Europe."

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To His Imperial Majesty the Emperor of Morocco,

Being desirous of establishing and cultivating peace and harmony between our nation and his Imperial Majesty the Emperor of Morocco, I have appointed David Humphreys, one of our distinguished citizens, a commissioner plenipotentiary, giving him full power to negotiate and conclude a treaty of amity and commerce with you. And I pray you to give full credit to whatever shall be delivered to you on the part of the United States by him, and particularly when he shall assure you of our sincere desire to be in peace and friendship with you and your people. And I pray God to give you health and happiness.

Done at Philadelphia, this thirtieth day of March, one thousand seven hundred and ninety-five, and in the nineteenth year of the independence of these States.

G. WASHINGTON.

By the President of the United States of America:

EDM. RANDOLPH, Secretary of State.

To all concerned, to whom these Presents shall come.

BE IT KNOWN, That I, David Humphreys, minister resident from the United States of America at the court of Lisbon, being duly empowered and instructed on the part of the President of the United States of America to negotiate and conclude a treaty of amity and commerce between the United States of America and His Imperial Majesty the Emperor of Morocco, or to renew with his said Imperial Majesty Maley Soliman, the treaty established at the court of Morocco between the late Emperor Sidi Mahomet (of glorious memory) and the United States of America, do constitute and appoint James Simpson, consul of the United States at Gibraltar, agent in the business aforesaid, (in conformity to the authority committed to me) hereby giving to him the said James Simpson, all
the power necessary to arrange and agree upon the same, and to certify and sign a convention thereupon, reserving the same, nevertheless, when concluded, to be transmitted by the President of the United States, for his final ratification, by and with the advice and consent of the Senate of the said United States.

Given under my hand and seal, at Gibraltar, this 21st day of May, 1795.

D. HUMPHREYS.

Mr. Simpson to the Secretary of State.

RHABAT, August 18, 1795.

Sir: I have at last the happiness to acquaint you, and request you will be pleased to inform His Excellency the President, that this morning, by appointment, I attended his Imperial Majesty Muley Soliman, at Meshooar, when he was pleased to say to me in public, nearly as follows: "The Americans, I find, are the Christian nation my father, who had a glory, most esteemed, and in the same light with them as my father was and I trust in my life, I shall be with them. I have given orders to Sid Ben Ottman to write my answer to their letter, which will be given to you, and to tell them I am upon the same footing with them as my father was.

I did not fail to assure his Majesty that the United States would, on their part, be equally anxious to maintain that peace and good friendship which had so happily subsisted between them and his father. His Majesty came out of the palace on horseback; and immediately after the recited conversation, proceeded for Mequinez and Fez. The Secretary of State, who remains a few days to give the Spanish ambassador and myself our despatches, has assured me that letter forlorn! Poulpees! shall be written immediately; and as he is also instructed with His Majesty's wishes there needs be no delay. My next will, of consequence, convey the original, or translation, as the conveyance may appear to be secure.

From what I have said, you will readily observe that all I shall (to appearance) obtain will be a letter from Muley Soliman, declaratory of his being on the same terms of peace with the United States as his father was.

I am sorry that the resistance made to my solicitations of a recognition of the old treaty, in form, has been spun out to the last hour of the Emperor's being here, and that I have thereby been prevented from exerting the powerful interest I had happily raised, for accomplishing, in an amicable and reasonable manner, the end of my mission; though I trust the promised letter will be expressive of what is in fact wished to be established, namely, that peace shall subsist between Morocco and the United States, as in the time of Sidi Mahomet, which, in my opinion, will fully answer the purpose of keeping peace during the present reign, and of resisting any unpleasant demands, should succeeding emperors make such.

Muley Soliman's sudden departure for Fez is differently accounted for. Some allege he is gone purposely with the army to quell some disturbances which have lately happened in the vicinity of that city and Mequinez; others, that it is the consequence of the defeat the troops he sent to the southward, under Muley Cadour, has sustained. In my opinion, his new occurrences have their part in it, and that he will not, for the present, contest with his brother, Muley Ishem, the possession he certainly enjoys of the country south of the Mobeysa. The garrison of Mazagar have quitted that fortress as untenable, and are expected here by sea.

I have the honor to be, &c.

JAMES SIMPSON.

Mr. Simpson to the Secretary of State.

GIBRALTAR, September 14, 1795.

Sir: During my residence at Tangier and Rhabat, I had the honor of addressing you seven despatches, whose originals, or copies, I trust will have reached you, and afforded His Excellency the President and yourself that ample information on my proceedings there. I was desirous of communicating. Since my return to this place, 5th instant, I have concluded without advice of Colonel Humphreys' return to Lisbon. I have sought for information, or when he may be expected, from Mr. Short, at Madrid, and if I find he cannot satisfy me, I shall no longer delay forwarding, by the first good opportunity which may offer, for the United States, the original of His Imperial Majesty Muley Soliman's letter, both the President, which, as I mentioned to you, the Colonel wished should go through his hands. In the mean time, I have thought well to send, with this copy, a translation of that letter, done with the assistance of my interpreter, which I hope will be found correct, when compared with the original. I might have satisfied myself on this particular, but that I declined imparting the sense, to any other person for the present.

I had it in charge from Sidi Mahomet Ben Ottman, by His Majesty's directions, to recommend the appointment of a consul for Morocco, and that vessels of the United States might be furnished with sea passes, cut as those of European nations, to prevent accidents. On these subjects it may be necessary to say more hereafter.

In expenditure of the public money and articles for presents put into my charge, I hope it will be found I observed every consistent economy; and although the great length of time I was detained in the country, and unexpected obstacles I met, have not allowed me to succeed, in that particular, equal to my wishes, yet I have satisfaction in acquainting you that a balance of both remain, as you will see by the ample statements which will be transmitted with this letter. I accordingly return to Lisbon may enable me to determine whether it will be proper to transmit them direct, or through his hands.

Muley Soliman's retreat from Rhabat to Fez showed that he had no immediate intention to act against Benassar, and the others have taken upon themselves to command in the name of Sidi, who in fact is only a mere cipher for he is never consulted on any occasion, nor even allowed to come to the encampments of those chiefs who command in his name. Islama has also lately promoted some disturbances at and near Tetun; but yesterday a boat arrived with advice of part of Muley Soliman's army from Fez having reached that neighborhood on Friday, and that he was himself at the head of a surprising number of men. I have been assured by the people who have already come, and his adherents to their mountains. We may in consequence expect that order will again be speedily re-established in the north, and that the division of the empire I have had the honor of mentioning you, will continue for some time to come. Whilst Soliman continues possessed of the fleet, and the only ports suitable for its protection, it is to him commercial nations will pay regard.

I have the honor to be, &c.

Soliman Ben Mahomet, Bey Abdullah, to whom God be merciful, to the President of America, a Prince, and to all the States.

In the Name of the Almighty God. There is no Power but that proceeding from God, the Great God.

After this we have received the letter where you mention your ambassador at Lisbon, whom you had appointed to come to us; and also we have received your said ambassador's power to your Consult Simpson, who resides at Gibraltar, by which he gives him power to act in every particular as he himself was authorized to do at our Imperial court, (which God have in his keeping) had he come to meet with us. By the present you sent us, and your letter, we know you still esteem us, and that you have regard for everything that concerns us.

Your care to preserve our friendship is very agreeable to us and you will experience the like from us, or more, because you were faithful to our father, who is in glory.
You have received the present at his hands with satisfaction; and we have mentioned to him those articles of your present which were in particular acceptable and to our liking. Continue writing letters to us at our court, that our present friendship may be made the more secure, and still increased. And we are at peace, tranquility, and contentment with you. We beg to assure you that you are with your father, who is in glory. Peace.

Sealed at Rhabat, the second of the moon Zafar, in the year 1310.

Gibraltar, September 14, 1795.

I hereby certify that the foregoing is a true copy of the translation, done from the Arabic by Sidi Mahomet, Emfada, of a letter from his imperial Majesty Muley Soliman, to the President of the United States of America.

JAMES SIMPSON.

4th Congress. No. 108. [1st Session.]

FRANCE.

COMMUNICATED TO CONGRESS, JANUARY 4, 1796.

United States, January 4, 1796.

Gentlemen of the Senate and of the House of Representatives:

A letter from the minister plenipotentiary of the French republic, received on the 29th of the last month, covered an address, dated the 15th of October, 1794, from the Committee of Public Safety to the Representatives of the United States, and also informed me that he was instructed by the committee to present to the United States the colors of France. I thereupon proposed to receive them last Friday, the first day of the new year, a day of general joy and congratulation. On that day, the minister of the French republic delivered to me the colors, with an address, to which I returned an answer. By the latter, the House* will see that I have informed the minister, that the colors will be deposited with the archives of the United States. But it seemed to me proper, previously, to exhibit to the two Houses of Congress, these evidences of the continued friendship of the French republic, together with the sentiments expressed by me on the occasion, in behalf of the United States. They are herewith communicated.

G. WASHINGTON.

The Representatives of the French people composing the Committee of Public Safety of the National Convention, on the 29th of the last month, charged, by the law of the 15th of October, 1794, with the direction of foreign relations, to the Representatives of the United States of America in Congress assembled:

Citizens, Representatives:
The connections which nature, reciprocal wants, and a happy concurrence of circumstances, have formed between two free nations, cannot but be indissoluble. You have strengthened those sacred ties by the declarations which the minister plenipotentiary of the United States has made, in your name, to the National Convention, and to the French people. They have been received with rapture by a nation who know how to appreciate every testimony which the United States have given to them of their affection. The colors of both nations, united in the centre of the National Convention, will be an everlasting evidence of the part which the United States have taken in the success of the French republic.

You were the first defenders of the rights of man in another hemisphere. Strengthened by your example, and endowed with an invincible energy, the French people have vanquished that tyranny which, during so many centuries of ignorance, superstition, and baseness, had enchain'd a generous nation.

Soon did the people of the United States perceive that every victory of ours strengthened their independence and happiness. They were deeply affected at our momentary misfortunes, occasioned by treasons purchased by English gold. They have celebrated with rapture the successes of our brave armies.

None of these sympathetic emotions have escaped the sensibility of the French nation. They have all served to cement the most intimate and solid union that has ever existed between two nations.

The citizen Adet, who will reside near your Government in quality of minister plenipotentiary of the French republic, is especially instructed to lighten these bands of fraternity and mutual benevolence. We hope that he may fulfill this principal object of his mission, by a conduct worthy of the confidence of both nations, and of the reputation which his patriotism and virtues have acquired him.

An analogy of political principles; the natural relations of commerce and industry; the efforts and immense sacrifices of both nations in the defence of liberty and equality; the blood which they have spilt; their avowed hatred for despots; the moderation of their political views; the disinterestedness of their counsels; and, especially, the success of the vows which they have made, in presence of the Supreme Being, to be free or die; all combine to render indestructible the connexions which they have formed.

Doubt it not, citizens; we shall finally destroy the combination of tyrants; you, by the picture of prosperity, which, in your vast country, has succeeded to a bloody struggle of eight years: we, by that enthusiasm which glows in the breast of every Frenchman. Astonished nations, too long the dupes of perilous kings, nobles, and priests, will eventually recover their rights, and the human race will owe to the American and French nations their regeneration and a lasting peace.

The members of the Committee of Public Safety.

J. S. B. DELMAS,

MERLIN, (of Douai.) &c. &c.

PARIS, 30th Vendémiaire, 3rd year of the French Republic, one and indivisible, (Oct. 21, 1794.)

The Minister Plenipotentiary of the French republic to the President of the United States.

Mr. President:

I come to acquaint myself of a duty very dear to my heart: I come to deposite in your hands, and in the midst of a people justly renowned for their courage and their love of liberty, the symbol of the triumphs and of the enfranchisement of my nation.

When she broke her chains; when she proclaimed the imprescriptible rights of man; when, in a terrible war, she sealed with her blood the covenant she had made with liberty, her own happiness was not alone the object of

* Addressed to the Senate, also.
her glorious efforts; her views extended also to all free people. She saw their interest blended with her own, and doubly rejoiced in her victories, which, in assuring her tbe enjoyment of her rights, became to them new guarantees of their independence.

These sentiments, which animated the French nation from the dawn of their revolution, have acquired new strength since the foundation of the republic. France, at that time, by the form of its government, assimilated to, or rather identified with, free people, saw in them only friends and brothers. Long accustomed to regard the American people as her most faithful allies, she has sought to draw closer the ties already formed in the fields of America, under the auspices of victory, over the ruins of tyranny.

The National Convention, the organ of the will of the French nation, have more than once expressed their sentiments to the American people; but, above all, these burst forth on that august day when the minister of the United States presented to the National Representation the colors of his country. Desiring never to lose recollections, as dear to Frenchmen as they must be to Americans, the Convention ordered that these colors should be placed in the hall of their sittings. They had experienced sensations too agreeable not to cause them to be partaken of by their allies, and decreed that to them the national colors should be presented.

Mr. President, I do not doubt their expectation will be fulfilled; and I am convinced that every citizen will receive, with a pleasing emotion, this flag, elsewhere the terror of the enemies of liberty, here the certain pledge of faithful friendship; especially when they collect that it guides to combat men who have shared their toils, and who were prepared for liberty, by aiding them to acquire their own.

P. A. ADET.

Answer of the President of the United States.

Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country; my anxious recollections, my sympathetic feelings, and my best wishes are irresistibly excited, whenever, in any country, I see an oppressed nation unfurl the banners of freedom. But, above all, the events of the French revolution have produced the deepest solicitude, as well as the highest admiration. To call your nation brave, were to pronounce but common praise. Wonderful people! Ages to come will read with astonishment the history of your brave exploits! I rejoice that the period of your toils and of your immense sacrifices is approaching. I rejoice that the interesting revolutionary movements of so many years have issued in the formation of a constitution designed to give permanency to the great object for which you contended. I rejoice that liberty, which you have so long embraced with enthusiasm—liberty, of which you have been the invincible defenders—now finds an asylum in the bosom of a regularly organized Government—a Government, which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States, by its resemblance to their own. On these glorious events, accept, sir, my sincere congratulations.

In delivering to you these sentiments, I express not my own feelings only, but those of my fellow-citizens, in relation to the commencement, the progress, and the issue, of the French Revolution; and they will cordially meet with me in purest wishes to the Supreme Being, that the citizens of our sister republic, our magnificent allies, may soon enjoy, in peace, that liberty which they have purchased at so great a price, and all the happiness which liberty can bestow.

I receive, sir, with lively sensibility, the symbol of the triumphs and of the enfranchisement of your nation, the colors of France, which you have now presented to the United States. The transaction will be announced to Congress; and the colors will be deposited with those archives of the United States which are at once the evidences and the memorials of their freedom and independence. May these be perpetual! and may the friendship of the two republics be commensurate with their existence.

United States, January 1st, 1796.

G. WASHINGTON.

4th Congress. No. 100. [1st Session.

ALGIERS.

COMMUNICATED TO THE SENATE, FEBRUARY 15, 1796.

Gentlemen of the Senate:—Hereewith I transmit, for your consideration and advice, a treaty of peace and amity, concluded on the 5th day of last September, by Joseph Donaldson, junior, on the part of the United States, with the Dey of Algiers, for himself, his Divan, and subjects.

The instructions* and other necessary papers, relative to this negotiation, are also sent herewith, for the information of the Senate.

G. WASHINGTON.

Extract of a letter from the Secretary of State to Colonel David Hemphry, dated Philadelphia, July 19, 1794, on the Algerine business.

You will consider yourself as again charged with this important interest of our country, according to the former instructions. A power is lodged with Messrs. Willink, Van Staphorst, & Hubbard, to borrow eight hundred thousand dollars, and to hold the same to your draft. Whenever, therefore, the money can be used in our objects at Algiers, you will draw for it. It must be submitted to your discretion, upon the view of all circumstances, as well of personal danger as public benefit, whether you will go over yourself—a measure which unquestionably would enable you to seize more certainly, than when at a distance, one of those moments of good humor & caprice which the letters transmitted through you from Algiers designate as the lucky seasons for impressing the Dey, and consider as having, unfortunately for our country, escaped without being caught. If, however, you judge it unwise or impracticable, to undertake the mission yourself, it will then be proper to use the instrument selected by Mr. Morris, and to instruct him accordingly; maintaining always, perfect cordiality and concert with the French commissioner, but, at the same time, not hesitating to follow your own ideas when they shall seem preferable, and resorting to the Swedish consul at Algiers, his brother, or any other individual, or expedient, according to your judgment, on the best mode of accomplishing success.

The President has under consideration the mode in which the eight hundred thousand dollars may be expended in the purchase of a peace; that is, how much shall be applied to the ransom and how much to the peace.

* For the instructions to Admiral John Paul Jones, here referred to, and other papers on Algerine Affairs, see No. 66, ante p. 290.
Extract of a letter from the Secretary of State to Colonel Humphreys, dated August 25, 1794.

"I beg leave to refer to my letter of the 18th July, a duplicate of which is now enclosed, as indicative of the President's wish that you should continue in the destination for Algiers. It is too interesting to the feelings of us all, not to retain you in a mission for which your experience in the subject, and other qualities, combine to fit you, rather than any other person who could be sent.

"These are the instructions of the President.

"1. Ransom and peace are to go hand and hand, if practicable; but, if peace cannot be obtained, a ransom is to be effected without delay.

"2. After endeavoring to obtain a ransom, at the lowest possible rate, or at the rate allowed by Portugal, or other nations the least favored, you may, if necessary, go as far as three thousand dollars per man.

"3. You will refer to the former instructions for the real wishes of the Government as to the sum to be paid for peace; keeping in mind the preference of a larger annuity and a smaller ducour in hand, to the reverse. But we would not break for fifty thousand dollars per annum, and two hundred thousand dollars by way of ducour, to secure a peace for a convenient term of years. But, though this form of the thing is most eligible, yet it is not judged to be a sine qua non for, after all, what is usual and effectual must decide, and the payment in gross may be accommodated to the necessity of accomplishing the object.

"4. If, however, by any other modification of the sum of eight hundred thousand dollars, a peace and ransom can be obtained, you may modify accordingly; restricting yourself, on the head of a ransom, within the above mentioned limit of three thousand dollars per man."

Extracts from the instructions given March 28, 1795, to Colonel David Humphreys, so far as they respect the proposed negotiations with the Dey and Regency of Algiers.

"The instructions hereunto communicated to you in several letters from the office of the Department of State, respecting the negotiation with the Dey of Algiers, &c., for concluding a treaty of peace, and liberating our citizens from captivity, contain the sentiments of the President on those subjects, and will serve according to your general government. If we should not be able to make a treaty, comprehending all the articles contained in our treaty with Morocco, we must acquiesce in the liberation of our citizens, and a treaty of peace only."

Joseph Donaldson, Junior, is named by the President as consul to the two States of Tunis and Tripoli."

"In the first place, however, it is expected that Mr. Donaldson will (if deemed necessary) be employed in an agency with Pierre Eric Skjoldebrand (now named as consul of the United States for Algiers) in ascertaining and agreeing upon the provisional or preliminary terms of a treaty with Algiers; and in causing (under your directions and instructions), the money appropriated by law for that purpose to be paid at Algiers, in the manner which shall be agreed on.

Extract of a letter from the Secretary of State to Colonel David Humphreys, dated April 4th, 1795.

"In addition to the instructions of the 23d ultimo, you are hereby authorized to associate or not, Mr. Donaldson and Mr. Skjoldebrand in the negotiation at Algiers; to employ Mr. Donaldson alone therein, if you think proper."

"On my part, I will remove the idea of delicacy towards the French republic, by assigning to our minister at Paris the reason why an attempt to negotiate was made in the first instance, without their aid. But it is supposed proper, and is therefore recommended to you, to proceed as early as possible to France, for the purpose of obtaining the co-operation of that Government in this negotiation."

Extract of a letter from Colonel Humphreys to the Secretary of State, dated Lisbon, September 17th, 1794.

"I have just received letters from Algiers, from the Swedish consul Skjoldebrand, and his brother M. Pierre Eric Skjoldebrand and Captain O'Brien.

"The principal articles which I note in these letters are, the discontinuance of the plague, a repetition of the application that the Swedish consul should be reimbursed by the United States the money he paid for the redemption of George Smith, and the opinion (probably founded on good grounds) of M. Skjoldebrand, jur. of nearly the ultimatum which the Dey will insist upon if a peace should be negotiated with him.

"Mr. Skjoldebrand, junior, supposes a peace may be obtained by the United States, for about the following sums, (in dollars) viz: For the treachery, in money or timber of construction, fifty thousand: For the great officers and relations of the Dey, one hundred thousand: Consular present, thirty thousand: Redemption of slaves, from two hundred to two hundred and fifty thousand; in all between six and seven hundred thousand; together with an annual tribute of from twenty-five to thirty thousand; and a consular present every two years of about nine or ten thousand dollars."

Mr. Skjoldebrand to Colonel Humphreys.

Algeria, 13th August, 1795.

Sir:

I have just received the letter, dated the 23d of May, which you have done me the honor to write to me; and I hasten to inform you, by this sudden opportunity, although in but a few words, leaving to Mr. Donaldson to detail to you circumstantially the favorable situation of your affairs here, and to take the measures which he shall think proper; having, in concert with Messrs. Cathcart and O'Brien, had due regard to your recommendation of Mr. Skjoldebrand, by means of Mr. House of Basset, taken the most active measures for the speedy accomplishment of a negotiation which so many persons are interested in public offices in this place to defeat.

I have the honor to write you twice, already, by the way of Tangier, in answer to your much esteemed favor of the 18th of May; and I see with surprise, by your last, that they have, probably at Gibraltar, given a description too disadvantageous of the state of Algiers and this sudden change in the aspect of your affairs at Algiers, of which you speak, are but the political inventions which your enemies have wished you to believe.

It is true that, since the French consul was commissioned in your business, the pretensions of the Dey were exploded; but these have been moderated and will be moderated still more, if Mr. Donaldson knows how to profit by the present favorable moment. I can course which Captain O'Brien has more than presented to the President a description too advantageous of my small talents, and of the services, hitherto feeble, which I have had it in my power to render to your interests; and being
P. E. SKJOLDEBRAND.

Mr. Skjoldebrand to Colonel Humphreys.

ALGIERS, 10th September, 1796.

Sir,

This is the moment to read again the letter which I formerly had the honor to address to you. You will see, sir, by my letter of the 16th of August, of the last year, a conjecture of the conditions on which I was able to obtain peace, amounting to six or seven hundred thousand dollars. You will see, in my letter of the 29th of December, by George Smith, in what manner these supposed conditions were changed, from the moment that the consul of France was confided; and by a note which Mr. Donaldson will send you, you will see the specification of these exorbitant demands which were entrusted to the consul of France, who offered no objection to them making it appear then, as well as since, on many occasions, that he was much flattered by the confidence of the United States and of the Dey; but that he secretly desired that your peace might not take place, by the impossibility of your consenting to such unjust conditions.

I will say nothing more of the conduct of Mr. Mace, the consul of England, nor of Mr. De Larrea, consul of Spain, in relation to your interests. You must know it already; and Captain O'Brien, the bearer of this letter, a brave man, who merits your confidence, and that of his country, will communicate to you many interesting things, which want of time, and much business, do not permit me to relate.

I leave also to him and to Mr. Donaldson to inform you whether, on this occasion, I have manifested a desire to render services to the United States, as far as my duty towards my country and necessary prudence, (being surrounded with envious and mischievous observers) have permitted me and as to the terms of the peace, as well as all other measures taken by Mr. Donaldson, I beg you, sir, to be persuaded that it would not have been possible for any person, whomeover, to make better, or to conclude upon more moderate conditions.

The Jew Mechajjo Baceri, the Dey's brother, of whom I have so often spoken to you, has been the person who, in concert with Mr. Cathcart, have executed in public with the Dey, the plans and directions on which Mr. Donaldson, in concert with me and Captain O'Brien, privately agreed; and all have had their share of merit in removing all the difficulties incurred by your enemies here, who have used all their endeavours, even with lies, to create in the Dey an ill disposition towards the United States, and to enhance his demands.

But the sincere advice to you, which is, to press, as much as is possible for you, the arrival of a consul, with the sums of money which Mr. Donaldson shall fix for you; and remember again that a hundred of your fellow-citizens, more impatient now than ever, will labor on the marine of Algiers until those sums arrive. Remember, sir, you must have a capable man for consular here, and a man who merits the confidence to have full powers, and a public credit considerable, always open for the cases absolutely necessary for the good of his country. I know among the present slaves here only Captain O'Brien, who possesses the requisite qualities to fill such a place but it appears that he is more inclined to push his views in the marine of the United States.

It remains now for me to testify to you my regret in being disappointed in my hopes, which I had always entertained, of having the honor of seeing you here in person. The only and the great satisfaction which I had always promised myself, for the little trouble I have taken to soften the fate of your unhappy fellow citizens, slaves in this place, was to form a personal acquaintance with you, and to preserve the friendship with which you have been pleased to honor me, and which, hereafter, as heretofore, I shall endeavor to merit.

My brother presents you his respects; and, with sentiments of the most sincere respect and devotion, I have the honor to subscribe myself, sir, your most humble, &c.

P. E. SKJOLDEBRAND.

Colonel Humphreys, Minister Plenipotentiary of the United States at the Court of Lisbon.

P. S. The Dey, whom you would have seen here in person with much pleasure, and who, from the description and idea which your friends have endeavored he should form of you, has a very high opinion of your merit, shows you a very honorable mark of it in sending you an Algerine sabre, mounted with gold, of which Captain O'Brien will be the bearer.

Extract of a letter from Colonel David Humphreys, dated at Lisbon, the 28th of November, 1795, to the Secretary of State.

"In conformity to the intimation, given in my last letter, I have now the honor to enclose to you the treaty of peace and amity between the United States of America and Algiers.

"You will, I have no doubt, be pleased with this advice to you, which is, to press, as much as is possible, for you, the arrival of a consul with the sums of money which Mr. Donaldson shall fix for you; and you will be well aware that a hundred of your fellow-citizens, more impatient now than ever, will labor on the marine of Algiers until those sums arrive. Remember, sir, you must have a capable man for consular here, and a man who merits the confidence to have full powers, and a public credit considerable, always open for the cases absolutely necessary for the good of his country. I know among the present slaves here only Captain O'Brien, who possesses the requisite qualities to fill such a place but it appears that he is more inclined to push his views in the marine of the United States.

"It remains now for me to testify to you my regret in being disappointed in my hopes, which I had always entertained, of having the honor of seeing you here in person. The only and the great satisfaction which I had always promised myself, for the little trouble I have taken to soften the fate of your unhappy fellow citizens, slaves in this place, was to form a personal acquaintance with you, and to preserve the friendship with which you have been pleased to honor me, and which, hereafter, as heretofore, I shall endeavor to merit.

My brother presents you his respects; and, with sentiments of the most sincere respect and devotion, I have the honor to subscribe myself, sir, your most humble, &c."

A Treaty of Peace and Amity with the Dey of Algiers.

ART. 1. From the date of the present treaty there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America and Hasan Bashaw Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect.

For this purpose belonging to the citizens of the United States of North America shall be permitted to enter the different ports of the regency to trade with the said subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom house that is paid by all nations at peace with this regency, observing that all goods disembarkcd and not sold here shall be permitted to be reembarked without paying any duty whatever, either for disembarking or embarking all naval and military stores, and all other commodities on which you would be able for building, tar, pitch, resin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency without paying any duties whatever at the custom house of this regency.

ART. 3. The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass un molested.
ART. 4. All ships of war belonging to this regency, on meeting with merchant vessels belonging to citizens of the United States, shall be permitted to visit them with two persons only, besides the rowers; these two only permitted to embark on board the vessel, in the obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage un molested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and consent of the regency, and either have the consent of the North American resident in this regency, shall be permitted to proceed on her cruise unmolested. No passport to be issued to any ships but such as are absolutely the property of citizens of the United States with passports.

ART. 5. No commander of any cruiser belonging to this regency shall be allowed to take any person, of whatever nation, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess any thing desired, neither shall they inflict any corporal punishment, or in any way molest them.

ART. 6. If any vessel belonging to the United States of North America shall be stranded on the coast of this regency, they shall be permitted to buy or sell, or exchange the produce of their vessels, that shall be stranded, for such commodities as are necessary, at such prices as they shall be in a condition to pay any duties on sale thereof. All vessels wanting provisions or refreshments shall be permitted to buy them at market prices.

ART. 7. All ships of war belonging to the United States of North America, on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshments, as vessels of the United States. Should any of the slaves of this regency make their escape on board said vessel, they shall be immediately returned; no excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

ART. 8. Any citizen of the United States of North America shall be allowed to redeem any slave against his will, and even should the owner of a slave be forced to sell him against his will, but all such agreements must be made by consent of parties. Should any American vessel arrive on board an enemy's ship by the cruisers of this regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty; on the contrary, they having no passport, they and their property shall be considered lawful prize, as this regency know their friends by their passports.

ART. 9. Should any of the citizens of the United States of North America die within the limits of this region, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in public custody, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall they, the Dey, or Divan, give hindrance in the execution of any will that may appear.

ART. 10. No citizen of the United States of North America shall be obliged to purchase any goods against his will, but, on the contrary, shall be allowed to purchase whatever it pleases him. The consul of the United States of North America, or any other citizen, shall not be answerable for debts contracted by any one of their own nation, unless previously, they have given a written obligation so to do. Should the Dey wish to freight any American vessel that may be in the regency or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

ART. 11. Any disputes or suits at law, that may take place between the subjects of the regency and the citizens of the United States of North America, shall be decided by the Dey in person, and no other; any disputes that may arise between the citizens of the United States shall be decided by the consul, as they are, in such cases, not subject to the laws of this region.

ART. 12. Should any citizen of the United States of North America kill, wound, or strike a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America in the above predicated escape prison, the consul shall not become answerable for him.

ART. 13. The consul of the United States of North America shall have personal security given him, and his household; he shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel wherever he pleases, within the regency. He shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogman and broker.

ART. 14. Should a war break out between the two nations, the consul of the United States of North America, and all citizens of said States, shall have leave to embark themselves and property unmolested, on board of what vessel they shall think proper.

ART. 15. Should the cruisers of Algiers capture any vessel having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged; and should the vessels of the United States of North America capture any vessels of nations at war with them, having subjects of this regency on board, they shall be treated in like manner.

ART. 16. Should any disturbance take place between the citizens of the United States and the subjects of this regency, or break any article of this treaty, the same shall be declared immediately, but every thing shall be searched into regularly; the party injured shall be made reparation.

On the 21st of the Luna of Safar, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun., on the part of the United States of North America, agreed with Hassan Bashaw Dey of Algiers, to keep the articles contained in the treaty sacred and inviolable, which the Dey and Divan promise to observe, on consideration of the United States paying, annually, the value of twelve thousand Algerine sequins, in maritime stores. Should
the United States forward a larger quantity, the overplus shall be paid for in money by the Day and regency. Any vessel that may be captured from the date of this treaty of peace and amity shall immediately be delivered upon her arrival in Algiers.

VIZIER HASSAN BASHAW.
JOSEPH DONALDSON, Jun.

To all to whom these presents shall come, or be made known.

Whereas the under written David Humphreys hath been appointed commissioner plenipotentiary, by letters patent, under the signature of the President, and seal of the United States of America, dated the 20th March, 1795, for negotiating and concluding a treaty of peace with the Day and Governors of Algiers: Whereas, by instructions given to him on the part of the Executive, dated the 29th of March, and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, jun. on an agency in the said business: Whereas, by a writing under his hand and seal, dated the 21st of May, 1795, he did constitute and appoint Joseph Donaldson, jun. agent in the business aforesaid; and the said Joseph Donaldson, jun. did, on the 5th of September, 1795, agree with Hassan Bashaw Day of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Now know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States. In testimony whereof, I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

DAVID HUMPHREYS, [L. s.]

4th CONGRESS.
No. 110.

AMERICAN SEAMEN.
REPORTED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1796.

Mr. LIVINGSTON, from the committee appointed to inquire and report whether any, and what, legislative provision is necessary for the relief of such American seamen as may have been impressed into the service of any foreign Power; and, also, to report a mode of furnishing American seamen with such evidence of their citizenship as may protect them from foreign impressment, in future, made the following report:

That, in considering the two important questions to which their attention has been directed by the House, they have not thought it necessary to prosecute any inquiry into particular instances of the evil complained of. They have supposed the sufferings and indignities undergone by their fellow-citizens on the high seas, as unhappily too notorious to need the support of further proof; and have, therefore, thought it their duty, without any delay, to submit some plan, first, for their immediate relief; and secondly, for their future protection.

First. For the relief of those unfortunate men, who may now be suffering under the accumulated miseries of imprisonment, insult, and separation from their families and country, the committee are of opinion that immediate legislative interference is necessary, and that it may be directed to a provision for the support of two or more agents, to be appointed by the Executive, and sent, the one to Great Britain, and the other to such places in the West Indies, where the greatest number of British ships of war may resort; and to continue there for such time as the President may deem necessary. The committee contemplate the utility of those agents in alternate points of view.

Resolved. As procuring a release of impressed seamen by their interference or, if their endeavors should unfortunately fail,

2d. As a means of procuring an accurate state to the Government of the number and designation of its citizens, and of neutral foreigners sailing under the protection of its flag, thus illegally seized, that more efficacious measures may be pursued for their relief.

Secondly. On the second point, the committee are of opinion that many of the impressments of American seamen having been colored by a real or pretended supposition that the persons impressed were British subjects, it becomes necessary to take away that pretense, by furnishing every American seaman with an authentic document to prove his right of citizenship.

They, therefore, submit the following resolves:

Resolved, That provision ought to be made for two or more agents, to be appointed by the President of the United States, by and with the advice and consent of the Senate; the one of which agents shall reside in such part of the kingdom of Great Britain, and the other at such places in the West Indies, as the President shall direct; whose duty it shall be to inquire into the situation of such American citizens as shall have been, or heretofore may be, impressed or detained on board of any foreign vessel; to endeavor, by all legal means, to obtain their release, and to render an account of all foreign impressments of American citizens to the Government of the United States.

Resolved, That proper officers ought to be provided, where every seaman, being a citizen of the United States, on producing evidence, duly authenticated, of his birth, naturalization, or residence, within the United States, and under their protection, on the 3d day of September, 1783, may have such evidence registered, and may receive a certificate of his citizenship.
SPAIN.

1796.

4th Congress.] No. 111. [1st Session:]

COMMUNICATED TO THE SENATE, FEBRUARY 26 AND 29, 1796.

SPAIN.

UNITED STATES, February 26, 1796.

Gentlemen of the Senate:

I send, herewith, the treaty concluded on the 37th of October last, between the United States and Spain, by their respective plenipotentiaries.

The communications to the Senate, referred to in my message of the 16th of December, 1795, contain the instructions to the commissioners of the United States, Messrs. Carmichael and Short, and various details relative to the negotiations with Spain. Herewith I transmit copies of the documents authorizing Mr. Pinckney, the envoy extraordinary from the United States to the court of Spain, to conclude the negotiation, agreeable to the original instructions above mentioned; and to adjust the claims of the United States for the spoliations committed by the armed vessels of His Catholic Majesty on the commerce of our citizens.

The numerous papers exhibiting the progress of the negotiation, under the conduct of Mr. Pinckney, being in the French and Spanish languages, will be communicated to the Senate as soon as the translations which appear necessary shall be completed.

G. WASHINGTON.

UNITED STATES, February 29, 1796.

Gentlemen of the Senate:

I send, herewith, the papers relating to the negotiation of the treaty with Spain, to which I referred in my message of the 9th instant.

G. WASHINGTON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To Thomas Pinckney, greeting:

Reposing especial trust and confidence in your integrity, prudence, and ability, I have nominated, and, by and with the advice and consent of the Senate, do appoint, you, the said Thomas Pinckney, envoy extraordinary from the United States of America to the court of His Catholic Majesty; authorizing you, hereby, to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, the twenty-fourth day of November, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

By the President of the United States of America:

EDM. RANDOLPH, Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Catholic Majesty, perfect harmony and a good correspondence, and removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of Thomas Pinckney, I have nominated, and, by and with the advice and consent of the Senate, appointed, the said Thomas Pinckney envoy extraordinary and sole commissioner plenipotentiary of the United States of America to His Catholic Majesty; hereby giving and granting to him full, and all manner of, power and authority, as also a general and special command at the court of his said Majesty, for, and in the name of, the United States, to meet, confer, treat, and negotiate, with the ministers, commissioners, deputies, or plenipotentiaries, of his said Majesty being furnished with sufficient authority of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of the territories of the United States and His Catholic Majesty, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require to be precisely adjusted and regulated; and of and concerning the general commerce between the United States and the kingdoms and dominions of His Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions, thereon transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this twenty-fourth day of November, in the year of our Lord one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

By the President of the United States of America:

EDM. RANDOLPH, Secretary of State.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular whom these presents shall concern, greeting:

Know ye, That, for the purpose of confirming, between the United States of America and His Catholic Majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence, and abilities, of Thomas Pinckney, whom I have nominated, and, by and with the advice and consent of the Senate, appointed, envoy extraordinary of the United States to His Catholic Majesty, I do, hereby, give and grant to him, the said Thomas Pinckney, full, and all manner of, power and authority, as also a general and special command at the court of his said Majesty, for, and in the name of, the United
States, to meet and confer with the ministers, commissioners, or deputies, of his said Majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly, and with them to agree, treat, consult, and negotiate, of and concerning all matters and cases of difference subsisting between the United States and his said Majesty, relative to the instructions of his said Majesty, or of any of the tribunals or authorities of his said Majesty, to his ships of war and privateers, of whatever date, as well as of and concerning restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers, and retribution for the injuries received therefrom by any citizen of the United States; and to conclude and sign said treaty or treaties or convention or conventions, touching the premises, transmitting the same to the President of the United States for his final ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the city of Philadelphia, this twenty-fourth day of November, 1794, and of the independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President of the United States of America:

EDM. RANDOLPH, Secretary of State.

The Secretary of State to Thomas Pinckney.

PHILADELPHIA, November 3, 1794.

DEAR SIR:

Mr. Bayard, who sails on Thursday, as an agent for those who have suffered by British depredations, will be charged with the private and public despatches from me to you. I have sent you a mission, which the President has prepared for you, as envoy extraordinary to Madrid. I beg you, immediately upon the receipt of this, to make any arrangements which may seem expedient, before you quit London. The business refers to the 3d and 8th instant, and will be temporary: and, under present circumstances, probably not dilatory. You will necessarily conclude that your return will be a temporary mission upon your part only. I have the honor to be, sir, with sincere esteem and true respect, your most obedient servant,

EDM. RANDOLPH.

Extract of a letter from the same to the same, dated November 8, 1794.

"In my two last letters of the 3d and 8th instant, duplicates of which have been forwarded, I prepared you for a temporary transference of your letters from London to Madrid. The determination of the President is now confirmed by the approbation of the Senate, as you will perceive from the commission which accompanies this letter.

"Your powers inform you, in general terms, of the subjects with which you are charged. The development of the principles upon which they are to be contended for, will be found in the documents of which Mr. Short is possessed. But, for the sake of enabling you to avail yourself of every opportunity, before you reach Madrid, I send a statement of our pretensions, as they were laid before Congress, concerning a conciliatory line of discussion with Mr. Gardoqui, and the instructions and arguments transmitted to Messrs. Carmichael and Short. In these the President sees no reason for a change."

My DEAR SIR:

I arrived at this metropolis on the 28th of the last month, but, finding that the court were still at Aranjuez, I proceeded to that place; their residence there, however, was so short after my arrival that I could do no more than obtain an introduction to the Duke de la Alcudia. I returned to Madrid on the 3d of July, where the court remained only ten days. Of course, every thing was in a kind of hurry and confusion unfavorable to business, I however passed through all my ceremonies, and have had two conferences with the minister, the result of which is, that they are still anxious for further delay, which is to them equivalent to a cession of our rights, so long as we shall acquiesce therein, they being in possession of the object of controversy. The Duke de la Alcudia received me with politeness, but, at the same time, informed me that he could come to no conclusion on the principal points of my mission until he should have received an answer to the propositions which he directed the Spanish charge d'affaires to make to our Government, in America, in the months of July and August last. I told him, in reply, that Mr. Jaudenes did not conceive himself authorized to make any direct propositions to the President so late as the month of March last, notwithstanding he had received the instructions to which the duke alluded, and therefore, that it was in vain to wait for an answer to propositions which, without further instructions, could not be brought forward in a mode through which any answer could be given to them.

He seemed to consider the possibility of not having made the proposals he had directed, and said he expected an answer thereto daily, and would immediately apprise me thereof. I then told him that I had deposited proof of the matter being as I had stated, having in my possession a letter from M. Jaudenes to you, certifying the fact, with a copy of which, at his request, I promised to furnish him. I accordingly enclosed it to him in a note, the copy of which I herewith transmit. On leaving Madrid, I left the instructions which I had received hereunto appended, the result of which will be the resolution of our Government upon a question of great importance. It is true that I can deduce, by inference from the instructions heretofore given, and from reasoning upon our situation and circumstances, that the United States will not guarantee the possessions of Spain in America, and will not consent to purchase what is their right. But, upon a proposition so new, it would have been impossible that it could have stated to the Spanish Government that I was directly instructed on this head, in case any such proposal should be made here. I conceive, however, that it will be of such importance that our controversy with this Government should be determined during the present war (which, I think, will not be continued another campaign) and it is also essential to our internal harmony that the President should be informed of such an event. I therefore made accommodations of this nature, and made the necessary recommendations of this court, during the next session of Congress, that I mean to urge the decision as strongly as propriety and attention to my instructions on the subject will admit. Mr. Short has already informed you of the line which this court has determined to pursue to us, respecting navigation, during the present war, and of the reasons which prevent them from entering any written stipulations on this subject. This line of conduct, while observed, is as favorable to us as we could expect.
but, as no general orders can be published on the occasion, individual cases will occasionally occur, in which it will be necessary to apply to this administration for a compliance with their verbal agreement; and to these the duke promises to pay immediate attention. This took place in a joint conference, which Mr. Short and I had with him, when we thought it prudent to state to him what his engagements were on that subject; to which statement he readily acquiesced (namely, that four ships or vessels subject to the treaty with France should be obnoxious to the duty of a ton, or to any part of it); and he added, that he did not discover the connexion, he did not then explain himself to my comprehension, but, in a joint conference with Mr. Short and myself, he expressed a wish to establish a triple alliance between France, Spain, and ourselves. He received the answer from Mr. Short, which he had previously given him, with great propriety, on former occasions, of a manner somewhat similar, which is, in substance, that a generous and friendly conciliation should enter into a triple alliance the whole benefits of an alliance, and that the first object was to establish our rights on just principles, when objects of mutual convenience and accommodation might with propriety be resorted to. Mr. Monroe has informed you of the import of the French Government with respect to our negotiation here. I had no conversation with them on the subject, as I conceived the business placed on us as good a footing as I could desire, and, since I have been here, I conclude that the French commissioners have complied with their instructions; the duke having informed me that he had certain information that our minister at Paris opposed an accommodation between Spain and France, unless our rights were previously acknowledged by the former.

The repairs which so long a journey had rendered necessary for my currency have detained me here a few days beyond the departure of the court; to-morrow, however, I set out to join them, and will inform you of the result of my next conference by the earliest opportunity.

I have received all possible assistance and information from Mr. Short since I have been here. He has placed in my hands all the papers of which he was possessed, relative to the objects of my mission. I am personally obliged to him for the readiness and friendly good will with which he has rendered me this service, and the United States have reason to be much indebted to him for the assiduity and ability with which he has conducted his negotiations at this court. I do not conceive that it can be necessary for me to remain here until an answer can be obtained to this letter, as it must be decided, long before that time, whether this court means to proceed in their system of delay, or whether they will yield to us our rights. In either case, it will be necessary that you should have a correct account of the whole of the proceedings. After that answer is obtained, my present idea is, that my presence here will be unnecessary; at all events, however, I will observe the directions contained in the ciphered part of your letter of 28th November, 1794. I would, however, submit to you the propriety of an explicit instruction, to whoever may be here, to object to silence and guaranty, if it should not have been done previous to your receipt hereof, as, from the circumstances which have already occurred, I do not expect that it will be brought before our Government soon, in an official manner, and, if the instructions should arrive too late to be of service, they can do no harm.

I have the honor to be, dear sir, with great respect, your obedient and faithful servant,

THOMAS PINCKNEY.

The Secretary of State.

[Enclosed in the foregoing despatch.]

Mr. Pinckney to the Secretary of State.

Mr. de Lue, your most humble and most obedient servant,

THOMAS PINCKNEY.

Mr. de Lue, your most humble and most obedient servant,

Mr. Pinckney to the Secretary of State.

My Dear Sir:

By my letter of the 21st July, it must have appeared to you that this court was proceeding in that system of delay, which it seems hitherto to have adopted, the minister having referred me, in my first conferences, to the answers expected to Mr. Jaudenes' proposals. As a means of obtaining that information, I thought it best to put to all expectations on that subject, and, therefore, at the first conference I had with the duke at this place, I told him candidly, that, however full my powers were, (which he must have seen) and however amably inclined the United States were disposed to comply with the wishes of his excellency, I did not think myself authorized to insert in any treaty, to be formed with this country, a guarantee of their possessions in America. With this declaration the duke appeared much mortified, as was natural, that the proposals, though informally made, had been considered and rejected by our Government. I then proceeded to state how ready the United States were to enter into every other friendly stipulation, and upon an understanding that occasional days would be appointed for the consideration of the treaty, the result was, that he promised to proceed with me in our negotiations concerning the limits, &c., without the guarantee. I urged the fixing a day to proceed to the business, which he said was impossible, as he wished some further information, but promised to appoint an early day. This, however, not immediately taking place, I requested, in three or four days, the further conference, which I urged the ·duke to put in at a day which he preferred to have very shortly enter into the business, and, from his conversation, I collected that he had really been looking into the subject. On Saturday last it was pretty generally known here that the terms of a treaty of peace were settled between this country and France. On Sunday, at a conference with the duke, on my urging our progress, he told me that our business should be very speedily settled to our satisfaction; that I might consider it perfectly in that point of light, as His Majesty was determined to sacrifice something of what he considered as his right, to testify his good will to us. You, sir, have seen so much of this business as to how to appreciate those circumstances; my present opinion is, that the new position of Spain with respect to England will induce them to come to a decision.
with us. You may be assured, sir, that I shall omit neither assiduity nor such arguments as I am furnished with to accelerate the determination.

Having at length the information of a vessel ready to sail from Bilboa, I thought it advisable to give you this hasty sketch of the present position, which otherwise I should have deferred till after the conference I mean to request to-morrow, and in which I hope something more decisive will be fixed.

I am, with sentiments of the utmost respect and sincerest esteem, my dear sir, your faithful and obedient servant.

THOMAS PINCKNEY.

To the Secretary of State.

Mr. Pinckney to the Secretary of State.

SAN ILDEFONSO, 1st October, 1795.

DEAR SIR: I am not favored with any of your letters, since I left England; but, as the President may desire to know the progress of the negotiations with which I am charged, previous to the meeting of Congress, I herewith send you the material parts of what has passed in writing, from whence he will be able to form his own opinion of our prospects in this business. It will be unnecessary to state to you the purport of the various oral conferences I have had with the Prince de la Poix (late Duke of Alcudia) on this occasion, as they were preparatory to the measures adopted, which I now enclose, which may be considered as the result of those conferences as far as they extend. I will not take up your time with conjectures of what may probably be the issue of this negotiation; for where measures are adopted from the fluctuation of occurrences and not from system, conjectures must be wildly hazarded.

You may be assured that nothing within the scope of my abilities shall be wanting to induce a line of steady conduct towards us, and I conclude that, in the course of another month, it will be decided whether this business can be concluded or not; in either event it will be unnecessary for me to remain here, and I therefore propose setting out for England in that space, unless events, which I do not now foresee, should require a longer residence here. Should the treaty be signed, Mr. Short leaves this court, he intends, in pursuance of your authority, to appoint Mr. Charles Roget as chargé des affaires during his absence. This young gentleman, who accompanied me here as secretary, and with whose conduct I am perfectly satisfied, is son of the chief justice of South Carolina, whom I believe you know. Mr. Short says his appointment will not interfere with the note to represent to you that it is impossible for him to live in a decent style on that salary, and would, therefore, submit the propriety of an augmentation. That sum may be sufficient for a secretary living with a minister, and the principal part of his expenses borne by him, but it is beyond question, that a person cannot attend on this court without expending far beyond that sum.

I am, with sentiments of consideration and respect, dear sir, your faithful and obedient servant,

THOMAS PINCKNEY.

The Secretary of State.

[Enclosures in the foregoing despatch of Mr. Pinckney.]

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, July 29, 1795.

MONSIEUR le DUC: In running over the "ordenanza de corso" of His Majesty, dated the 1st of May, 1794, I perceive, with pleasure, the sentiments of justice which dictated the 11th article, which appears to me conformable with the engagements entered into by the court of Spain, by concuring in the terms of the armed neutrality of the last war. The spirit of this article, if I mistake not, amounts to this: that Spain, faithful to the principles she had adopted on neutral rights, was ready to act in conformity with these principles, but that prudence required a previous knowledge whether France, who had also adopted the articles of the armed neutrality, would act in the same manner. That, therefore, she permitted her vessels of war to bring into her ports neutral vessels laden with produce belonging to France, by way of precaution, and only until this point should be cleared up; but that, as soon as it was ascertained that France would act in conformity to these principles towards a neutral nation, she would adopt the sentiments in regard to her engagements, by conducting in the same manner with regard to that nation.

Now, if I am not mistaken in the sense of the said article, I think I may, with propriety, propone to your excellency that the King be pleased to give orders that his ships of war and privateers bring no longer into Spanish ports, vessels of the United States of America, laden with produce belonging to Frenchmen. Seeing that your excellency has been informed of the treaty existing between the United States and France, which establishes these principles between the two nations; seeing that the Government of France has given the most unequivocal assurances to ours that it will observe this treaty; and seeing that it acts in conformity to its promises, I conceive that it will not be necessary for me to detail here to your excellency all the inconveniences which result from the practice of putting merchant vessels out of their course, and carrying them to ports to which they were not destined, merely for the purpose of sending them away after they have been brought in. From the delays, waste, and inevitable expenses arising therefrom, from the bad treatment of which our citizens complain of receiving sometimes from the crews of the privateers, and, above all, from the spirit and animosity born between the individuals of two nations between whom it is the ardent desire of the United States to cultivate the most perfect harmony and friendship, not doubting but that your excellency entertains corresponding sentiments of good will towards my nation, I have no apprehension that a conduct towards us will be contested, which, without being of the least advantage to the interests of the King, is very prejudicial to the United States.

I pray your excellency to accept the expression of respect and high consideration with which I have the honor to be, &c. &c.

Not knowing whether your excellency has at the Sitio a copy of our treaty with France, I take the liberty to enclose the article on the contraband of war.

Mr. Pinckney to the Duke of Alcudia.

SAN ILDEFONSO, 6th August, 1795.

MONSIEUR le DUC: As in the cases not comprehended in the "ordenanza de corso" of His Majesty, but which are to be determined (according to the agreement your excellency made with Mr. Short) by the principles of our treaty with France, including less in particular, the vehicles laden with produce belonging to the treaty, than if that agreement were changed, after I take the liberty of laying before your excellency the cases as they arrive, in order that your excellency may give the proper orders. With this view I have the honor to inform you that the vessell Maria, of Boston, laden with provisions belonging to France, was taken into the port of Santander, on the 11th of June, where she is now detained, and I request your excellency to give orders to enable her to pursue her voyage. The long detention which this vessel has already undergone, with a perishable cargo, will, I hope, plead with your excellency for my pressing solicitation to have a speedy decision on this affair. I also take the liberty to inform M. le Duc of the circumstances relative to the American ship Liberty, of New York, according to the advice I have received, which are, that this vessel being at Bordeaux, was freighted by an American house to carry a cargo to Bilboa, consisting partly of whale oil and of dried codfish. The fish was
taken out by another American vessel in the river, and the oil landed, and was, of course, laden on board the Liberty, in the port, but it always continued to be American property. This vessel was met at sea, eight leagues from Bilboa, and carried as a prize into that port by a Spanish privateer, who pretends to have the articles which were laden at that time, in violation of the terms of the treaty of 1763, on which the vessel was detained, and supposed to be a contraband in war; by which it is ordained that French produce, and even those of foreigners landed in France, having paid the entrance duty, shall not be admitted into Spanish ports, though they should be laden on board of neutral bottoms. But I submit to the superior wisdom of your excellency whether in this case it would be proper to view a violation of the treaty, and whether the case is one which can be treated of by the French, and in which the property has not been changed. And I request your excellency to observe, also, that this determination, taken at the beginning of the war, was modified by the principles established in the 4th article of the "orderanza," by which it is proved that, in the actual circumstances, if the cargo of this vessel had been altogether of the manufacture and property of France, it would, therefore, be very extraordinary if the property of the friends of Spain were condemned in a case in which her enemy's property would go free.

In submitting those cases to the inspection of your excellency, I have the most perfect confidence in the equity of the decision, and I pray you to be assured of the sentiments of the high consideration and respect with which I have the honor to be, &c. &c.

The Duke of Alcudia to Mr. Pinckney.

SAN IDEFOZ, August 14th, 1795.

Sir:

I have communicated to the King the contents of your letters of the 29th of July and 6th current, in which you bring to view the offer made to Mr. William Short, that our ships of war and privateers should respect the free navigation of the United States in the same manner as those of France.

It is therefore, in view of your excellency, that I have liberated the vessels detained, and the restoration of the cargoes of some others repa] contraband according to the fifteenth article of our privateering ordinance.

On observing what you state, His Majesty has directed proper orders to be given to the Minister of Marine for having his instructions to the Minister from Bordeaux, to which you declare to be American property.

That the captain of the Providence be paid for the pitch, tar, and turpentine, taken from him at Santander, as contraband articles.

And in like manner that restitution be made for the cargo of the American brigantine Abigail, of New York, consisting of boards, and paints, confiscated by the marine judge of Santander.

I hope that, in these dispositions, you will acknowledge the sincere desire which animates His Majesty to cultivate the most perfect harmony with the United States, and to cement still more the friendship subsisting between the two countries.

On my part, I renew to you on this occasion, &c.

Mr. Pinckney to the Duke of Alcudia.

SAN IDEFOZ, August 10th, 1795.

Monsieur Le Duc:

As in the conference with which you honored me on Wednesday last, I perceived that, although you have read with attention the memoir of Mr. Short and Carmichael, upon the right of the United States to the sovereignty of the Mississippi, and to our southern limit, and admit the justice of the arguments therein contained, yet, that your excellency entertained some doubt relative to a part of the pretensions of the United States, I have thought it my duty to lay before your excellency some arguments in addition, and I have endeavored to avoid as much as possible a repetition of those which have been so well developed in the said memoir, upon which I always rely as the most perfect exposition of our rights.

I have the honor to be, &c.

T. PINCKNEY.

Memor, by Mr. Pinckney.

"Thirty-two years have elapsed since all the country on the left or eastern bank of the Mississippi, being under the legitimate domination of the then King of England, that sovereign thought proper to regulate with precision the limits between the provinces of Georgia and of the two Floridas, which was done by his solemn proclamation, published in the usual form, by which he established between those provinces the same limits which, nearly twenty years after, he declared to be the southerly limit of the United States, by the treaty which this same King of England concluded with them in the month of November, 1782.

By the treaty of peace, between the late King of Spain and that sovereign, signed the 20th January, 1783, he ceded to His Catholic Majesty the two Floridas, without making any description of their limits. However, it is not difficult to prove, not only what were those limits, but also what the two contracting parties understood by that description. It is very evident that Great Britain could not be understood to have ceded more to Spain than the two Floridas, according to the limits fixed by the proclamation of 1762, and according to what had recently been concluded, by a solemn treaty, to be the southerly limit of the United States. She had not been fortunate in the war which preceded that treaty; but it had not so far humiliated her as to dishonor herself by ceding to Spain a territory which, two months before, she declared to belong of right to the United States. But, it is likewise evident that the Spanish Government, at that time, under the same thing in recovering, as England did in ceding, the Floridas, in order to prove this, one need only observe the dates of the relative circumstances in this business. The said proclamation of the King of England had been published more than nine years before that epoch; it was impossible, therefore, for the court of Spain to be uninformed on the subject of it; and if it were not content with the limits therein adjusted, it should have had others inserted in the treaty of peace of 1783. Besides, the provisional articles of the treaty between the United States and England, in which this limit was acknowledged, were signed in the month of November, 1783, and immediately communicated to the court of France. Now, the close connexion which at this time united the House of Bourbon, who possessed the crown of Spain and France, was notoriously known. It is well known that these two nations were allied and confederates in the war against Great Britain. Is it, therefore, credible that the court of France omitted to communicate to their ally the treaty of the United States with Great Britain before the articles with Spain and the latter Power had existence? And this being the case, I repeat that, if she were discontented with the limits not described for Florida, she then had an opportunity for opening negotiations in order to change them. But if it were possible to imagine that Spain, thus linked with France, and having an able negotiator upon the spot, treating of peace with the same Power, could have been ignorant of what was going forward upon this subject, it is evident that it never occurred in which she still had an opportunity of making her objections to those limits, and that it was impossible that she could not have possessed all the necessary information, that is to say, all the time which had elapsed since her definitive treaty with Great Britain, which was not signed until the 3d of September, 1783—a period of two months after the treaty with America had been communicated to France, and even six months after it had been published in the United States. From these facts it follows that Spain, being informed of the limits fixed by the proclamation of 1763, and acknowledged by the treaty of the United States, was content with, or that, if she were not, that she made attempts with Great Britain, which, having failed in bringing about a
change of them in the treaty by which she obtained Florida, it results, from every principle of justice, that she remained satisfied with those limits. But it has been said that Spain had pretensions for passing the limits above mentioned by the right of conquest—her troops having, during the war, seized a certain portion of territory beyond that limit; but the answer to this pretension is as simple and as conclusive as that just developed, which is, that the territory conquered must have belonged, before the war, either to the United States, it is very clear that Spain could have no right to make conquests on a nation with whom she was not at war, and I will not, for a single moment, admit an idea so disrespectful to Spain as to imagine that she could pretend to be the friend of the United States to have succored them in the war, to have even lent them money for maintaining it; at the same time she was depriving them of their property. If this territory belonged to Great Britain, His Catholic Majesty obliged himself, by the sixth article of the definitive treaty with Great Britain, to deliver up, without difficulty, all the country and territories conquered by the arms of His Majesty, which were not comprehended in the same under the name of cessions or of restitutions. Now, by the treaty, there was, under this description, besides the island of Minorca, only Florida, whose limits have been proved above. Therefore, in both cases, Spain has not the right of retaining those possessions under the name of conquest.

Mississippi.—The right of the United States to the free navigation of the Mississippi, also depends upon the best founded and most incontestable principles. In considering them I shall advance as much as possible, a repetition of the contents of the memoir of Messrs. Short and Carmichael, as I have endeavored to do in that I had the honor of submitting to your excellency on the question of the limits, and this is the reason why I shall say nothing upon the argument which appears to me alone to decide this discussion in favor of the United States, to wit: the natural right they have to this navigation, arising from their possession of it and the rights which are inherent in the created world, as regards navigation, and might be applied to the present case.

By this article, the right of the United States (then a constituent part of the British empire) to navigate this river was acknowledged, and it may be added that they were the part of that empire for which this article must have been principally stipulated, being the only one of those rights which the British empire could not be induced to cede to France, and by which it was indispensable to France to the treaty of 1763—France, our friend, our ally, who lavished her blood and treasure for the support of our rights—France, in a word, who, by the 11th article of her treaty of alliance, had agreed to guaranty to the United States their possessions and the additions or conquests which their confederacy may procure during the war, from any of the dominions now, or heretofore, possessed by Great Britain in North America, the whole, as their possessions, shall be fixed and ascertained to the said United States, at the moment of the cessation of their war with England.

Neither can Great Britain oppose the right of the United States to this navigation, in derogation of her treaty of 1763, and in direct contravention of that treaty with the United States, in November, 1782. If, therefore, neither the one nor the other of these ancient proprietors had the right of prohibiting the United States from the navigation of this river, I must repeat, here, that they could not, in ceding their territory to Spain, cede, also, a right which did not at all belong to them, and, consequently, that Spain does not possess that right. It may here be added, that all the arguments founded upon the knowledge Spain possessed of the existing state of the contracts, when she obtained her acquisitions, which have been above applied to the question of limits, are opposed, with still greater force, to their pretensions to the exclusive navigation of the Mississippi; forasmuch as she was one of the contracting parties to the treaty of peace of 1763, and, as, by the second article of the definitive treaty of peace, concluded in 1783, that very treaty was expressly one of those which served as a basis and foundation to that of 1783.
lays, by making a representation to His Majesty, requesting that a greater number of judges be appointed for giving definitive judgment. If this representation has been made, I doubt not but your excellency will see it in its true light, and will act so as that that justice, which, I am confident, His Majesty desires to render, be no longer delayed.

I have the honor to be, &c. &c.

THOMAS PINCKNEY.

Mr. Pinckney to the Duke of Alcedia.

SPAIN.

MONSIEUR LE DUC:

I have the honor to send you, enclosed herein, the copy of two petitions, presented by the captain of an American vessel called "The Three Friends," [Los Tres Amigos] to the marine tribunal of Santander, in which the circumstances relative to his detention are detailed, and from which, it appears that the captors, notwithstanding his claims, have landed the cargo of the said vessel.

As I well assessed, from what has already taken place on like occasions, that His Majesty will be pleased to cause this vessel and cargo to be restored, I take the liberty of laying these facts before your excellency, not doubting but that you will have the goodness so to act as that this affair be terminated with the least possible expense to all the parties interested.

I shall only add an observation, that the circumstance of this vessel having been found in the possession of Frenchmen, cannot change the case, because she would not have been deemed good prize if she had been carried into France; and even if all the cargo belonged to Frenchmen, it would be restored here, according to the last dispositions of His Majesty.

I have the honor to be, &c. &c.

Mr. Pinckney to the Duke of Alcedia.

SAN ILDEFONSO, 5th September, 1795.

MONSIEUR LE PRINCE:

I have the honor to inform your excellency that the owners of the American vessels, the Rookby and Greenway, which were carried into the port of Cadiz, in the year 1793, by His Majesty's frigate Santa Catalina, have sent an agent to Spain, in order that these vessels, which had been kept in complete repair in the royal dock yards of His Majesty. Your excellency will readily recollect all the circumstances of this affair, by recuring to the letters with which you honored Mr. Short, on the 14th and 24th of October, 1794. The agent of 1794 has had those vessels surveyed at Cadiz, and the report of the artists states, that there is still sufficient time to repair them, if the work be done before the autumn rains can complete their damages. This agent is authorized to receive the indemnifications due for the freight of the cargoes of these vessels, and for the expense of their detention; but that which presses most in this case, and on which I beg your excellency to communicate to me the King's determination, is the giving of an order for the commencement of those repairs, as the agent is arrived here to the Sitio, where his expenses are more considerable than he can conveniently afford, and as he assures me that, if the repairs are not begun immediately, it will be useless to undertake them. As to what regards the freight, and other demands, I have no doubt but we shall be able to arrange them amicably, at the same time we regulate the principles of several other claims of the same nature.

I have the honor to be, &c. &c.

The Prince of Peace to Mr. Pinckney.

SAN ILDEFONSO, 13th September, 1795.

SIR:

On observing what you state in the letter of the day before yesterday, on the solicitation of the proprietors of the American vessels, the Rookby and Greenway, detained at Cadiz, since the end of 1794, I assure you, sir, that orders have long ago been given for proceeding, without loss of time, to the repairing and refitting of the said vessels, agreeably to what has been proposed; but without attending to the pretended reclamations, for the reasons mentioned in my letters to Mr. William Short upon this subject.

On this occasion I reiterate to you, &c.

Mr. Pinckney to the Prince of Peace.

SAN ILDEFONSO, 20th September, 1795.

MONSIEUR LE PRINCE:

Having received orders from the Government of the United States of America to make reclamations to the court of Spain, in consequence of the capture of several vessels belonging to their citizens, as well by the Spanish ships of war, as by their privateers, during the war which has just been terminated, it is my duty to state to your excellency the basis upon which these reclamations are founded. There is no principle more incontestable, or more generally acknowledged, than that which establishes that, when two nations have the misfortune to be at war, the other nations wishing to remain at peace, and not to meddle in the quarrel, ought not to meet with any molestation or bad treatment from them; but, on the contrary, that they should be free to go and come, to pursue their commerce and their labor, in the same manner as though the war did not exist: always suspending the plenitude of the exercise of this right in two cases only: the first of which is, not to carry, either to the one or to the other of the belligerent parties, warlike stores. The second, to carry nothing to places besieged, or blockaded up. With the exception of these two conditions, the war should be null, and as though it did not exist, so far as it respects neutral nations.

This doctrine, founded upon reason, and supported by the sentiments of the most enlightened writers, is further established by the express approbation of the commercial nations of Europe, of whom there is scarcely one who has not adopted these principles in their late treaties, in which they declare the commerce which neutral vessels should hold, in case either should be either. But the time in which this common sentiment of the majority of the maritime nations manifested itself more clearly on this subject, was, when maritime conventions were established, in 1780, in the first instance, between the Northern Powers, and adopted posteriorly by a decisive plurality of the nations of Europe, and particularly by Spain.

It is this respectable code, dictated by wisdom and moderation, which, by preserving the privileges of those at peace, does not infringe the rights of those at war. This code, whose equitable principles have drawn forth the assent and support of all the most respectable Powers of Europe, who also, by their position, as well political as geographical, seemed to have but little interest in it— I mean the emperor and the King of Prussia, who have solemnly adopted it— this code, in a word, uniting the sentiments of all the nations of the two hemispheres, except a single Power, has placed on a certain basis that which henceforward should be the law of nations on this subject. It is this code which I cite for the foundation of the proposition I have to make to your excellency, to wit: that the decisions on the captures of the American vessels which have been brought into ports belonging to His Catholic Majesty, and his ships of war or privateers, shall be given according to the principles of the above mentioned convention, made in 1780, by the king of Denmark, the king of Sweden, the king of Prussia, the emperor of Russia, and the king of Portugal, and the principles of which, Spain and the United States have since declared their intention of adhering, and that commissions shall be named on both sides for determining the reimbursements that may be due on this account. I do not think I can propose to your excellency a more convenient method for terminating all discussion on this subject, than by establishing a rule

* Before addressed as the Duke of Alcedia.
formally approved of by both nations, who have united, in its favor, so remarkable a plurality of the important European Powers—a rule, moreover, conformable to the principles which His Majesty has declared he would follow in the war which has just been terminated, since, in the 14th article of his "ordenanza de curso," he has determined to renew the stipulations of this article, which have been suspended, by her treaty with the United States, to observe these same principles, and she has acted conformably, so that the same rule which the King has already established, is precisely that which I at present claim. If the fact be as our citizens complain, that a considerable number of our vessels have been taken and carried into the ports of His Majesty (particularly in the West Indies,) when they were occupied in lawful traffic only, where, after a long detention, their cargoes have been carried off by force, without the proprietors, for the most part, knowing whether they were condemned by a court of justice or not; if it be proved that half of the crews of some of these vessels died of the disorders incident to their captivity, those who survived abandoned their vessels and cargoes, rather than face the dangers of a second sentence, by the very sentences of the tribunal in the islands, (where the sentences have been communicated to the owners,) it be proved that the acts for which these cargoes have been condemned were not offences against the law of nations; I am too well convinced of His Majesty's equity, and of his benevolence towards his subjects, to have any doubt that he will, on consideration of the same case, which would give an infinite deal of trouble to your excellency, and bring with it an endless discussion. I take the liberty of adding, here, a single reflection, which is founded on what appears to me to be the true interests of Spain on this subject, to wit: that it is expedient for a nation preserving the richest productions in the world, and who, during a war, must necessarily draw great resources from her distant possessions—for a nation whose inhabitants are not generally led by habit, or perhaps by sentiment, to a private war—that it is expedient, in a word, for the mistress of the mines of Mexico and Peru, to give the most ample latitude to the rights of neutral nations, during a war. It is this sentiment, founded on justice and sound policy, which, doubtless, dictated the adherence of Spain to the principles of the armed neutrality, proposed by Russia; and I have no suspicion that, in the present case, she would wish to swerve from it to do an injury to a nation, led equally from interest and disposition, to rank herself among her best friends. I have the honor to be, with the sentiments of the highest consideration and respect, Monsieur Le Duc, your most obedient and very humble servant,

THOMAS PINCKNEY.

The Prince of Peace to Mr. Pinckney.

SAN ILDEFONSO, 32d September, 1795.

Sir:

I yesterday received yours of the 20th, relative to the orders you have received from the President of the United States, for claiming indemnification for various prizes made by the ships of war and privateers of Spain, particularly in America, and soliciting the naming of persons on both sides, informed of the cases and complaints of the proprietors, for determining them according to the principles of the neutrality adopted in the year 1783, by the Nautical Articles of Peace and by the Declaration of War.

You accompanied the said paper with an additional one, which I did not touch upon on Sunday, when I handed you the project of the treaty, expecting that this point would be provided for therein.

And, in answer to both cases, I can inform you that, on the same terms as have been determined the American prizes in Europe, since the neutrality of the United States with France, in the present war, has been so declared, shall be judged the prizes which may have been made in America. But this matter being very different from the system of a treaty stipulating positive regulations for the future, there is no necessity of including it therein.

I renew, on this occasion, my sincere desires, &c.

THE PRINCE OF PEACE.

Notes on the project of a Convention proposed by His Excellency the Prince of Peace.

25th of September, 1795.

The preamble of this project appears very convenient, but would be without importance in expressing the appointment of the plenipotentiary of the United States according to the forms prescribed by their constitution.

Art. 1. 1 think that it would be better to insert six months, instead of one year, for the period in which the garri- sons shall retire, because six months may elapse after the signature of the treaty, before the ratifications are completed, and hence the year which Spain requires for this purpose will be obtained.

Art. 2. The same period of six months may be substituted instead of one year, as in the preceding article, which corresponds with this.

Art. 3. In the ninth line of this article it appears that the word "anchura" (breath) may be substituted for "extension." In the 11th and 12th lines, the words "solo et exclusivamente" (alone and exclusively) should be omitted, for Spain could scarcely confide in the good faith of the United States, nor in this convention, which she is about to con- clude with these powers, to be treated with more favor than it has been previously, made. Now, by the treaty of peace between the United States and Great Britain, concluded in 1783, it is stipulated that the navigation of the river Mississippi shall continue free to the subjects of Great Britain and to the citizens of the United States. It appears that the following provision would have all the desired effect: "It is nevertheless agreed, that no navigation of vessels of the United States, nor of the vessels of the States, on this river, to other nations or persons, than to the subjects of His Catholic Majesty, and to the citizens of the United States." Again, this article is incomplete, and does not fulfill the object of the two parties, which is to avoid all circum- stances which might be the cause of the interruption of the good harmony of the two nations because it does not point out the manner in which this navigation shall be exercised. It is true, that the stipulation of the free navigation carries with it, as of natural consequence, that the persons and effects of the contracting nations cannot be arrested, or subjected to pay any duty for the use of this navigation, and that they are to enjoy all the conveniences on the navigation of the river which the laws of nations permit; but it could produce no inconvenience to the contracting parties in the same article, by which means every discussion in this respect would be avoided in future. And I think it would, also, be the interest of His Majesty, in order to do away all suspicion of contraband trade, that a place be as- signed for the American vessels, arriving from sea, or from the river, to put into, or to touch at, instead of a more diffusive exercise of this right.

Suspection.—Again, as it appears that the court of Spain desires to establish this convention upon the basis of justice, although, at present, it does not judge proper to enter into commercial arrangements with the United States to this time, I think that, upon this footing also, M. le Prince will agree, that justice will not be complete without some addition to this article. For I take it for granted, that the right of the United States to the navigation of the Mississippi, and to the limits, has been proved, and that it is incontestable; and I conceive this is deducible from the arguments which
have been brought forward on the subject, on the part of the United States, having never been answered: and I am very certain that, if there were no other consideration, they would have escaped the penetration and intelligence of those arguments which could be opposed with justice and energy to our pretensions. But his views are too upright to use unfounded arguments. He is, also, too enlightened to employ weak reasons, and I am sincerely and fully persuaded that he was not bribed to oppose the United States, their rights, and their country. It is plain, then, that we should not lose the advantage of doing a thing due to them for the suspension of that right, during a period of twelve years, which has done incalculable injury to the inhabitants of the fertile countries watered by the Mississippi. Under this point of view, then, I conceive I do not demand a thing incompatible with the most rigorous justice, when I make the proposition to cede to a neutral nation, and thus to the American vessels, that portion of the cargoes, with those arriving from the neighboring ports on the river. Besides, Spain having actually seen and considered the reasons and the equitable basis upon which the pretensions of the United States are founded, as soon after the termination of his Majesty’s war, she has never made any objections, and respect for justice would do her great honor. “We do agree, that the navigation of the Mississippi be common to both nations;” and I am too well assured of the Spanish good faith, to imagine that she wished this declaration to be illusory, without utility and without effect. Now, by the position and singular nature of the Mississippi, its navigation cannot be exercised, at least for a long time, without the assistance for which she has stipulated by this convention; and I doubt not but that His Majesty will agree to it, after having reflected that it is a natural consequence of what is already concluded. Nor do I think it would be well to omit this part of the article under an idea that we have agreed to a thing we agree to for every matter necessary for its execution; and consequently, that the Americans will have the right of using the necessary accommodations on this navigation; because I consider, as the principal object of this convention, the termination of every thing that may give room for future complaints and disputes, whereas, the indeterminate manner of the use of this navigation would be a fertile source, and a war should only put the United States to operate wars to avoid.

Before I examine the 5th article, it is necessary to remark here, that the 5th, 6th, 7th, and 8th; and after the 15th, 16th, and 17th articles of the project which Mr. Pinckney had the honor of proposing, he entirely omitted, without any substitute, then it appears that every stipulation on commercial relations is rejected, and that His Majesty is to be justly considered as wishing to connect more closely the bands of friendship with the United States, by means mutually convenient. Mr. Pinckney, however, cannot allow himself to think, such being the dispositions of His Majesty, observing his benevolence for the United States, that there is nothing relative in any respect, and that he has always been loud in America for not particularly those possessions of Spain in America, Mr. Pinckney does not hesitate to say, that the advantages which would result therefrom to Spain, are incalculable; and as to what regards merely the benefits of the commerce of the United States, it is evident that there is not possibly to be found: the first, that the inhabitants of the United States were not to have the privilege of clothing themselves in the space of twenty years, eight of which have been employed in a war, which having partook of the nature of a civil war, was destructive to population, not only from the rage with which such wars are pursued, but by the emigrations which have followed, and the instances happened, proving that the commerce of the United States is not contemptible: The first is, that the inhabitants of the United States have to purchase the necessary commodities at the price which the Spaniards would be willing to sell to the inhabitants of the United States, or of ten millions of pounds, manufacturing but little for themselves, and which except to the value of upwards of thirty millions, principally of articles of the first necessity, cannot offer a disadvantageous commerce.

Art. 9th. It would seem that a part of this article contains inconveniences which should cause it to be rejected by both parties. The first principle apparently necessary to establish, relative to the Indians, is, that neither party should be admitted to the property of the tribes and the territory within the limits of the other; and it is especially the interest of Spain to hinder such practices with the great number of Indians inhabiting her territory. But, if it be stipulated by this convention, “Que no se depajaran ni hechara de sus tierras a dichas naciones;” and a war should only put the United States to operate wars to avoid.

Art. 10th. This article appears also to require some ulterior explanations.

Art. 6th. To require explanation of the 10th and 11th lines.

Art. 8th, 9th, 10th, 11th. Agreed to.

Art. 12th. Here are omitted the 15th, 16th, 17th articles of the project of Mr. Pinckney.

Art. 13th. Here are omitted the 19th, 20th, 21st, 22d, and 23d articles of Mr. Pinckney.

Art. 14th and 15th. Agreed to.

Art. 16th. Agreed to as far as the last paragraph, beginning with the words “y los casos,” to which I am opposed; because it would render almost useless every thing contained in this and the preceding article, and is repugnant to the system of the armed neutrality of the last war, which I conceive it is the interest of Spain, as well as the United States, to support; and because it would give room to perpetual abuse and vexations. I shall put a case, which will show the inconvenience of establishing a principle as a basis at war with the Algeciras; if this war should not terminate soon, it is probable that the United States will have a right of staying in the Mediterranean in that case, I suppose that Spain would not think it proper that the American ships of war should be driven out of the course of their voyage, and in which the necessary forms for having arrested and delivered up, any person or vessel, according to the constitution of the United States, shall be more defined, and in which M. le Prince might insert the testimony and forms required by the Spanish laws for obtaining the effect described.

* The said Indian nations shall neither be disturbed nor driven from their lands.
M. le Prince will doubtless find, on reflection, that the term "malhechores" (malefactors) is infinitely too vague, as it comprehends every sort of transgression opposed to good morals; and it is, also, too uncertain; because such an act, as would be reputed "malhecho" (a bad or criminal action) in one country, or in one age, might not be deemed so in another. As to what regards the effects or property that may be stolen or concealed, and carried into the hands of the parties, the following article does no more, and the slaves are comprehended under these descriptions. The reason why the crime of murder is the only one mentioned in the project of Mr. Pinckney is, because it is the only crime appearing to merit the vengeance of governments, which obliges them to take the trouble of pursuing the fugitives into foreign countries, because the exile, which is the consequence of their flight, appears to be a punishment sufficient for this crime. Moreover, as to the 29th article, they may be deprived of all the property which they may have been able, unjustly, to carry with them.

Art. 32.

Art. 33. Mr. Pinckney having stated, in a separate memoir, the reasons for inserting here an article as to the captures made by the Spanish privateers, during the war just terminated, has nothing further to add to this.

[Enclosures in Mr. Pinckney's despatch of 28th October, 1795—postea, page 546.]

Mr. Pinckney to the Prince of Peace.

MADRID, 5th October, 1795.

Monsieur le Prince:

Your excellency, by the letter with which you honored me on the 23d ult., having agreed that the captures of the vessels of the United States, which shall have been made in America, shall be judged according to the same principles by which the prizes made upon the Americans in Europe have been determined since the neutrality of the United States towards France has been known, there only remains, for the accomplishment of the commission with which I am charged by the President of the United States on the subject, to explain what those principles are, and to bring them forth; although it appears to me that this might be done very easily in the manner in which the 29th article was intended, as the principal object of this convention is the termination of the differences which have formerly subsisted. However, as your excellency appeared to have objections to it, I have put those details in the form of a separate convention, herein enclosed, and I flatter myself that the terms in which it is conceived will be acceded to by your excellency.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, 7th October, 1795.

Sir:

In answer to yours of the 5th instant, in reply to mine of the 23d, you say that you suppose the difficulties pointed out therein, against the insertion in the present treaty, of an article relative to the captures made on the citizens of the United States, during the present war, would require a separate convention in the terms mentioned. But there is, moreover, in my opinion, the same reasons as to the insertion of the article. I must say, that, as this business will require little explanation when agreed upon, there is no need of multiplying writing for inserting it, and that it will be proper to confine ourselves to the limits of our particular agreement, for whose execution the most clear and positive orders will be communicated.

SAN LORENZO, October 7, 1795.

The Prince of Peace, in consequence of the conference with Mr. Thomas Pinckney, on Friday last, on the treaty between Spain and the United States, which finally closed the said treaty, hopes that, if Mr. Thomas Pinckney finds it confromable to his instructions, and to what has been agreed upon, he will sign it when convenient.

Mr. Pinckney to the Prince of Peace.

MADRID, October 2, 1795.

M. le Prince:

I have the honor of receiving the project of the treaty with the last corrections which your excellency has given it, and I have considered it with all the attention which an instrument apparently of so much importance to the two countries has required. I request, therefore, that you will have the kind disposition for establishing, upon just and solid bases, a close and sincere friendship between our two nations. It is, therefore, with much regret that I find myself, after the most mature reflection, unable to sign this convention without its undergoing some alteration, and the principal reason is, that it is not final and conclusive, but refers to ulterior negotiations one of the principal objects of my mission, which is to establish the manner in which the citizens of the United States are to navigate the river Mississippi. I should here remind your excellency that it was in consequence of the representation of the charge des affaires of His Majesty, that the President of the United States thought proper to establish the measures by which he has considered as the best; and the principal reason offered by Mr. Jaudenes in his letter of the 16th of August, 1794, for the adoption of this measure was, that "His Majesty would not enter into any treaty, unless the powers to the ministers of the United States were ample, or accompanied with secret instructions, having for object to conclude a partial, and not a general treaty." After which, he adds, "that Spain is ready to treat upon the points of limits, Indians, commerce, and whatever may conduct to the best friendship between the two countries." Having, therefore, arrived here with the impressions naturally made by these expressions, it is with pain I have received the intelligence which your excellency has given me that His Majesty would not, under present circumstances, enter into commercial arrangements. But, as commercial conventions should be arrangements of mutual convenience, I have the honor of assuring your excellency that the United States would not desire to have any, if the nation with whom they contract does not find a mutual advantage in them; and for that reason I have not been more important with your excellency for establishing articles on this subject. I have only appeared to authorize. But this is not the case with respect to what regards the navigation of the river Mississippi, which has been the subject of discussion between the two countries since the peace of 1783, and which, after all that has passed, I think that the United States have a right to expect to be put upon an advantageous footing in this treaty. I shall not here repeat what I have already had the honor of recommending to your excellency in writing and in conversation on this subject, adding only to my note on the fourth article of the project of your excellency, references to some authors on the laws of nations, proving that we pretend to nothing unauthorized by those laws, even admitting we had no other equitable demands on account of the exclusion with which navigation we have suffered for twelve years.—V. Grotius de J. B. and P., I, 2, c. 2, sec. 12. Puffendorf, I, 2, 3, sec. 21. Vegetius, I, 2, 192.

I shall here take the liberty of submitting a paragraph which might be added to the last article of the project of your excellency, and which appears to me of a nature not to encounter any difficulty, and may be regarded as an intermediate mean until His Majesty shall think proper to bring forward the ulterior project of the subject mentioned in this article, observing, at the same time, that I do not pretend to propose this as an exclusive mean; but that if your excellency should have any other to propose, by which the United States might freely enjoy this navigation without waiting the result of the ulterior measures, which circumstances may or may not be such as to permit the establishment of this navigation at least, I shall be much charmed at being able to think, in this manner, to have given you at least, one more subject to consider this discussion to mutual satisfaction. There are some other points in this project, of less importance, but which appear to me susceptible of changes which I shall have the honor of adding, in which I think we shall readily agree.
I expect to go to the Sitio to-morrow, and I shall have the honor of presenting my respects to your excellency at the conference on Sunday, when I hope to receive the determination of your excellency on the subject.

I have the honor to be, &c.

In the fifth article, the word "offhand" appears to me too vague and indefinite, and therefore it would be better to omit it. In the last paragraph of the sixteenth article, for "la Espana," should be substituted "las dos Potencias," because the two Powers having equally the liberty of arresting the vessels of the other in case of neutrality, they should be equally held to compensate; and although the United States do not support a great war, I conceive it possible, in the case of war, they would not want resources of this kind. And in regard to American cargoes, there are very probable circumstances of avoiding soon, might be able to make use of the right which this article would concede. It appears also that the price of the articles should be fixed in this convention; and as it is impossible, in the case of taking them, there will be exercised that price should be fixed high enough to hinder them from being taken without a real necessity, in which case those who have easily have them also on paying a high price, and the neutral powers would be indemnified for their detention, and for having lost the object of their voyage. Wherefore, I propose that, in lieu of the words "por tanto de valor," there be inserted, "at double the price of these effects cost," which will be proved by the papers relative to the cargoes found on board of the said vessels.

In the seventeenth article, I propose that, instead of "d'Espagne," towards the end of that article, the words "it shall be" be inserted and that, instead of the last words, beginning with "Limo," there be inserted, "if it shall not be proved that they truly belong to the subjects or citizens of the contracting Power which shall be neutral."

In article twenty-first, I propose to change the following words: Instead of "S. M. Católica," insert "the two Powers;" and instead of "conceders," "shall mutually give on both sides to the commerce between the two nations."

Mr. Pinckney to the Prince of Peace.

MONSEIGNEUR LE PRINCE:

If I have rightly understood what you did me the honor to say to me at the conference to-day, on the subject of my letter of the 9th current, that you could not agree to add what I proposed to you in the last article of the project of the 15th instant, being at that time temporary, and liable to be changed as soon as the interior measures brought into question in the last article shall have been determined, I have not thought proper to insert in a treaty whose articles are of a permanent nature; but that you would agree to propose to His Majesty, that, by a separate instrument, the accommodation of a depot at New Orleans, which I proposed, shall be agreed on, and that, in the same instrument, to insert the arrangements relative to the prizes made upon the Americans during the war lately terminated; having, therefore, reduced the proposition in this proposition, I have the honor to reply, that, although I do not see, under the same point of view as your excellency, that such measures will naturally be practised hitherto, yet the regard I have for your excellency's opinion, and my sincere desire of rendering the arrangements we are treating of as agreeable to Spain as may be compatible with the principles on which we are to act, I shall be pleased to lose time to acquiesce in this matter, provided that the latter convention be of the same force, and executed at the same time as the principal treaty; and the better to explain my intentions hereon, I take the liberty of sending, herein enclosed, the project of two separate articles for the latter instrument, such as I can sign, and, as I doubt not, your excellency will find reasonable.

Mr. Pinckney to the Prince of Peace.

SIR:

In answer to yours of yesterday, with the two articles referred to our conference to-morrow, the one relative to the mode in which you wish the effects of the citizens of the United States, navigating the Mississippi, should be deposited, and the other for regulating the prizes made during the present war; I can assure you that His Majesty, and to support the propositions contained in a treaty in which we are engaged, it will not be proper for me to engage in confidence or communication with. As to what respects the point of prizes, I cannot add any thing not already contained in my former official letters, since His Majesty will not admit this matter to be included in a treaty or convention.

The Prince of Peace to Mr. Pinckney.

Mr. Pinckney to the Prince of Peace.

SIR:

On considering the letters which your excellency has written and what you have done me the honor to say to me in conversation in reply to the representations which I have made relative to the vessels which have been taken
by the ships of war of Spain during the war, it appears clearly that we agree upon the principles which ought to determine this business, since the verbal conversion which you made with Mr. Short, "That Spain will observe in the determination the same conduct towards you which is prescribed by the treaty of commerce between France and the United States," is so much the more satisfactory, as your excellency, by your letter of 23d of September, extends this principle to the vessels of the United States which have been intercepted in the American seas as in those of Europe.

What at present appears to me necessary is to put it in my power to send to the President of the United States the result of the claims which I have had the honor to make in virtue of my commission on this subject, and to agree upon arrangements for giving effect to these principles. With this view I have the honor to propose that your excellency communicate to the officially commission of His Majesty on the subject, and that the principles being thus stipulated, commissioners be named on both sides for ascertaining the damages which may be due to the citizens of the United States according to those principles.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 18th, 1795.

SIR:

You refer me, in your letter of the 15th instant, to mine of the 23d ultimo, for what I have said on the mode in which the captures of the vessels of the United States, lately made in America, shall be judged, and to my verbal conversation, on this point, and I can assure you Mr. Short, that we have concluded a rule of procedure, conformably to the principles adopted. But, from the same context of my letter already mentioned, is to be clearly inferred the distinction of two epochs; the one from the beginning of the war until the 6th of April, when His Majesty ordered the vessels of the United States to be treated in the same manner as those of France; and the other from the 6th of April last until the present time. The captures made within the first, must be judged according to the marine ordinance, (ordenanza de corso) and the general orders communicated at the time; and the vessels which may have been detained since the first of April, in the present year, shall be treated in the same manner as those which were then brought from the coast of CANTABRIA.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 29, 1795.

Monsieur le Prince:

I am mortified on finding, by the letter with which you honored me on the 18th, that your excellency proposes to divide the war, which has just been terminated, into two epochs, and that the American vessels which have been detained by those of Spain, during that war, should be differently treated, according to the time at which they were taken; as it seems to me that that justice which should govern the conduct of nations towards neutral flags, is always the same, and ought not to be limited to the variations of time and circumstances. It is very clear that the United States were as much neutral and as friendly to Spain at the beginning of the war, as after the 1st of April last, and that consequently they should expect similar treatment at both epochs. That which is at least certain is, that, at all times, they ought to be treated according to the laws of nations, and I conceive I have proved very clearly what those laws are on this subject in my official letter of the 29th of September last; and, in order to avoid repetitions, I take the liberty of requesting your excellency to recur to that letter for the reasons upon which our claims are founded. As I do not know what are the general orders, mentioned by your excellency, which were given before the 1st of August, 1795, I cannot answer that the United States will be contented with the determinations founded on them if they are conformable to the armed neutrality of 1786, to which Spain and the United States have declared their adhesion, the United States will have nothing to say against them; but if they were formed upon the supposition that France was not a legitimate Power, the laws of nations cannot take place in cases respecting the commerce with that nation, and the United States would not consent to a proposition which would do so much wrong to a friendly and equally Power, which would sacrifice the honor of her flag and the property of their citizens, when they were occupied in lawful commerce: but, in order to avoid all discussion on a subject rather delicate, I have the honor to submit to this, some specific propositions, founded upon justice, and the laws of nations as now established by the consent of a great, majority of the nations of Europe, and adopted by Spain herself, which are, that no vessel of the United States, which has been detained by the subjects of His Catholic Majesty since the commencement of the war, can be deemed good prize, unless she carry articles, which are contraband of war, to the enemies of Spain, or unless she be intercepted in such a vessel to enter a port insalubrious to Spain, which was blockaded, having come from the blockade; that, in order to determine what shall be deemed a blockade, this denomination is confined to that only where, by the disposition of the Power making the attack, the arrested vessels were sufficiently near to cause an evident danger of their entering.

That law whatever shall be deemed contraband of war, nothing ought to be acknowledged such, except the merchanisations comprised under that denomination in the 21st article of the treaty made between Spain and England on the 2d of May, 1667, or in the 21st article between France and the United States, concluded in 1778.

That His Catholic Majesty shall cause to be delivered to the owners belonging to the citizens of the United States, without delay, all the cargoes, which have been taken in this war, except those which come within the abovementioned case, with the damages due for their detention and other losses, and, if it be impossible to restore them at present, that His Majesty cause to be paid to the owners the amount of their just value.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 20, 1795.

SIR:

Informed by yours of yesterday of the objection made to the addition proposed to be made to the last article of the treaty, relative to the permission given by His Catholic Majesty to the citizens of the United States, for three years, to deposit their merchanisations at New Orleans, I repeat to you what I have already said, that I cannot vary it in the least; observing, however, that, in the interval, His Majesty will have extended the medium through which the navigation may increase the commerce of his subjects, and of the citizens of the United States.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 22, 1795.

SIR:

Observing, by yours of the 20th current, that you do not agree to the distinction made, in mine of the 18th instant, of the epochs relative to the detention of the vessels of the United States, since the beginning of the war between Spain and France, lately terminated, you refer to what you expressed on the subject, in years of the 20th September last, and conclude by repeating that all detentions of the United States will be governed by the principles which you lay down as most consonant to the interests of the States, and conformable to the laws of nations. Without waiting to prove to you the modifications which, according to the same laws of nations, those prin-
ciples are susceptible of, I only inform you that the vessels, detained before the 1st of April, must be judged, like all those of the other Powers, according to the marine ordinance (ordenanzas de corso) of the 1st of May, 1794; in general the United States as well as all others, until the special exception in their favor, verified on the 6th of April last, by just considerations, towards France. This is the reason why they should be judged according to the said ordinance until the epoch mentioned, from the moment that there is no ground for seeing that this, from the moment of their detention, has been abandoned, and, for the same cause, I conceive every proposition superfluous, which is not conformable to the said ordinance, and I shall not subscribe to any.

I hope you will entirely agree with me in opinion, as I cannot conclude the treaty until this point be fully settled.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 23, 1795.

M. LE PRINCE:

The propositions which I had the honor to communicate to you in my letter of the 90th current having been formed upon principles already recognized by Spain and by the United States, I thought it the best mode for determining all discussion on the subject; for it appears clear that, where there is a difference of opinion between two independent Powers, it is a happy circumstance if they can have recourse to principles already admitted by both parties, without the one being obliged to give up his opinion, or to sacrifice his rights to the other. With this impression, I have the honor of repeating to you that I cannot agree to any proposition which does not contain substantially what I proposed to your excellency in my former representations.

I take the liberty of observing, here, that your excellency does not appear to have received correct information as to the immediate liberation of the American vessels, taken since the 6th of April last, as, out of the five carried into Santander, for which I have presented a claim, to wit: the Liberty, of New York; the Maria, of Boston; the Providence, of Philadelphia; the Ahab, of New York; and the Three Friends, of Salem; the Liberty was detained one hundred and ten days; the Three Friends was detained at the departure of the last post; and the three others put to sea without a part of their cargoes, which your excellency had ordered to be restored, although I know that the officers of the marine, at that place, have received positive orders from your excellency for the restitution of the said vessels and effects.

As to what concerns the treaty, I agree with your excellency that it would not be convenient to your excellency or myself to sign it until we have agreed relative to the vessels; and I can add, that even then, I cannot sign, unless the manner of navigating the river Mississippi, by the citizens of the United States, be regulated upon the principles of some one of the propositions which I have had the honor of making to you.

I have the honor to be, &c.

Mr. Pinckney to the Prince of Peace.

SAN LORENZO, October 24, 1795.

M. LE PRINCE:

Important affairs demanding my return to England, I shall have the honor to take leave of their Majesties, as we have agreed, to-morrow; and I take the liberty of requesting you to have the usual passports expedited for my journey. Wishing to enter France by the way of Perpignan, I am desirous, also, of taking the route of Valencia and Barcelona, and shall be charmed to execute the orders with which your excellency may be pleased to honor me.

I am, Sir, at any place on the road. I embrace this opportunity of testifying to your excellency my acknowledgments for the marks of good will, and for all the friendly offices, received from you during my stay here, and I pray you to accept the sentiments of respect and high consideration, with which I have the honor to be, &c.

The Prince of Peace to Mr. Pinckney.

SAN LORENZO, October 28, 1795.

SIR:

In consequence of having yesterday signed with you a treaty of friendship, limits, and navigation, between the King my Lord and the United States of America, and of the information lately received from the Governor of Louisiana, intimating that the Governor of the Natchez had advanced to occupy the post of the Barones of Margot, comprehended within our ancient limits, and that some inhabitants of Kentucky, and the neighboring States also, intended taking possession, His Majesty has commanded the said Governor to suspend all hostility, in case any shall have been committed on his part, or on that of the citizens of the United States, leaving matters in the situation in which they may be on the receipt of the order until the ratification of the treaty. And he most sincerely enjoys all the military officers of the two Floridas to maintain perfect harmony with the commanders of the troops of the United States on those frontiers, as His Majesty wishes that the said treaty may eradicate every motive of dispute which has hitherto existed, and that it may more and more strengthen the reciprocal friendship of both countries, not doubting but you will communicate every thing, without loss of time, to the President of the United States, that he may expedite similar orders for preventing every kind of inconvenience on both sides, and perhaps an effusion of blood, now as useless as repugnant to humanity.


ART. 1.

ART. 2. This agrees with our proper boundary.

ART. 3. The instructions do not mention this, but I thought it might prevent disputes in future, and would have an injurious effect with the Indians.

ART. 4. The wording of the latter part of this article seemed objectionable, and various alterations were proposed. It required much contest to obtain any alteration from the mode first proposed by Spain, whose doubts were principally founded on a jealousy of our letting in others. The substance, however, appears to me not disadvantageous, when considered as connected with the provision in the 21st article, and the wording fully authorized by my instructions.

ART. 5. This article occupied much time, and great prejudices were to be removed. The only part, as it now stands, which may appear objectionable, is the kind of defensive alliance we herein make with Spain against our respective Indians; and as the case was new, and the instructions not pointed on this head, I wished other modifications, more for the sake of further investigation than from an opinion of disadvantage resulting from it: for, it appears to me, under our present and probable future circumstances, to be a beneficial stipulation.

ART. 6. Taken from the 7th of Prussia, with a small addition at the end, which appears to be not objectionable.

ART. 7. The first part taken from the 16th of Prussia; the latter part I added, because I considered it a good stipulation in all situations, but particularly so in Spain.

ART. 8. Taken from the 19th of France.

ART. 9. 16th of France.
Mr. Pinckney to Mr. Randolph.

SAN LORENZO, 28th October, 1796.

DEAR SIR,

I herewith send to you a treaty which I have just signed conjointly with the Prince de la Paz, His Catholic Majesty's first minister, and plenipotentiary for negotiating this business. The stipulations which it contains have been formed to the best of my judgment, in conformity to my instructions, and, where they left a latitude to the negotiator, according to what I conceived the interest of our country; and I sincerely believe them to be placed on the most advantageous basis, and that we could, at least, attain, by friendly negotiation, the correspondence which passed between the minister and myself, since my letter of the 30th of September, which covered our written negotiation to that time. These will throw some light on points in the treaty which may require it, and render them, I hope, less liable to give you a long detail of the oral part of the negotiation, which was frequent, diffuse, and extensive. I, however, took care to bring forward the written documents herewith, which relate to the most material points. I can safely say that, if the treaty be defective, it has not originated in want of assiduity. You will observe by my note of the 24th of October, that I found the difficulties of such an accommodation as I could arrive to were so insuperable that I had asked for my passports to return. This may illustrate the difficulties I had to encounter, and the prejudices to be removed, which it requires some knowledge of the national character fully to conceive. The peace concluded between this country and France, and the pacific disposition (at least externally) displayed to Spain by the British cabinet, added to our critical situation with the last Power, rendered this negotiation more difficult than it might otherwise have been. With respect to commercial arrangements, you will find that, in the outset of the negotiation, I endeavored strenuously to urge a close connexion; but finding the mind of the minister completely made up on this point, and that he advanced reasons for delaying arrangements of this nature, which appeared to me to be founded on the true interests of Spain, connected with views in other relations at this juncture, I have lately ceased to insist on this subject; besides which, I believe they wish to reserve the commercial advantages they can offer as the equivalent for a guarantee of their American possessions.

I am informed by the Secretary of State here, that he has lately received advice that a party of ours having advanced to the Muscle Shoals, on the Tennessee, and the Yazoo, and an advantageous post called the Barancas de Margot, the Spanish commandant had sent a party to occupy that post; but the minister assures me that he has sent orders to the commanding officer in the Floridas to abstain from all hostile operations.

I have been so much occupied on my return in a few days. Mr. Charles Rutledge will remain here as chargé des affaires, by appointment of Mr. Short. I mentioned him to you in my letter of the 30th, September, and I now enclose an extract from that letter, which concerns him, lest the first may have miscarried. I am, my dear sir, with esteem, your faithful and obedient servant,

THOMAS PINCKNEY.
SPAIN.

illustrious order of the Golden Fleece and Great Cross of the royal and distinguished Spanish order of Charles III., Commander of Valencia del Ventoso, Rivera, and Acciuchal in that of Santiago, Knight and Great Cross of the religious order of St. John, Counsellor of State, First Secretary of State and Despatch, Secretary to the Queen, Superintendent General of the ports and highways, Protector of the Royal Academy of the Noble Arts and of the Royal Societies of Natural History, Botany, Chemistry, Astronomical and the King of the Province of the Archdiocese of his armies, Inspector and Major of the Royal Corps of Body Guards, &c., &c.; and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to His Catholic Majesty. And the said plenipotentiaries having agreed on the following Articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: the southern boundary of the United States, which divides the States of Florida and West Florida, shall be the line running on the Mississippi at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Chatahoochee: thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary’s river; and thence down the middle of the said river to its mouth; and, from thence due west, to the brow of the Atlantic Ocean. And if it shall be agreed that if there should be any troops, garrisoned on either side of the said boundary, the party, in the territory of the other, according to the above mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ART. 3. In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plans and keep journals of their proceedings, and shall have the same force as if they were inserted therein.

And, if on any account, it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty’s troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall have the same authority with respect to the furnishing of guards to the former as the latter has with respect to the latter. And making every other arrangement which may be necessary or useful for the execution of this article.

ART. 4. It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the United States to the mouth of the Red River of the Mississippi. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

ART. 5. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties obligate themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary; so that Spain shall not suffer any of her citizens, agents, or officers, to attack the citizens of the United States, nor the Indians inhabiting their territories to attack either the citizens of the United States or their officers, nor will the United States permit any of their citizens, agents, or officers, to attack the Indian nations; and His Catholic Majesty, or his Indians, in any manner whatever. And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that, in future, no treaty of commerce, alliance, or alliance, which may be made between them, shall be admissible against the said nations of Indians, and in their treaties at law in which they may be concerned before the tribunals of the other party, and such agents shall have free access to the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. 6. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which may be taken or taken possession of, of their said jurisdiction, whether they are at war or not; and the Power whose subjects have taken possession of the said effects.

ART. 7. And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed, the laws and proceedings of the country, in which the persons or vessels are detained, shall govern; and provided they be treated with the utmost humanity and kindness, in all respects, and no longer detained than for the purpose for which they were detained, and so as not to be an obstacle to the navigation of the same. And the said officers and agents of either party, having charge of the subjects or citizens of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they shall think proper in all cases; and in all their trials at law in which they may be concerned before the tribunals of the other party, and such agents shall have free access to the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter, to enter into the ports, roads, or harbors, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favors, protection, and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things necessary for the accomplishment of their purposes, or separation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning to their own ports or roads, and when they please, without any let or hindrance.

ART. 9. All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers, on any high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that State, in order that they may be restored entire to the true proprietors, as soon as due and sufficient proof shall be made concerning the property thereof.

ART. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves, as for their vessels and effects, the same assistance, as if they were due to the inhabitants of the country where the damage happened, and shall pay the same charges and duties only as shall be imposed by the said inhabitants of the country where the damage happened; and if the operations of repair would require that the whole or any part of the cargo be unloaded, they shall pay no duties, charges, or fees, on the part which they shall refuse and carry away.

ART. 11. The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, and they shall have the same freedom granted to the citizens and subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament, or ab intestato, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying the usual duties of the country wherein the said goods are shall be subject to pay in like cases.

And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the
goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate being worth ten thousand dollars, or more, is desired, or claimed by any citizen or subject of the said United States, or of any alien, such subject shall be allowed a reasonable time for answering to the demand, or for the production of such evidence as shall be necessary to determine the question of whether the said goods are or are not the property of those of whom the said certificates express, as well upon the high seas, as in the ports and havens, not only by the parties, but likewise by other persons expressly showing that her goods are not of the number of those whom said certificates name as contraband.

Art. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other, any valuable cargo or contraband shall be open for inspection, and the master, or captain, of the ship, or any other persons, shall be required to produce certificates, upon the same footing as certificates of any other ship of war, or privateer, to act as privateers against the said United States, or against the citizens, people, or inhabitants, of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

No ship or vessel being in the possession or under the command of the said United States, shall, on the same footing, as if she were the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be considered as a pirate.

Art. 15. It shall be lawful for the Master, or other proper officer, of the said United States, to sail with their ships in any of the said States, to use all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, for any port, to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty, or the United States. It shall be likewise lawful for the Master, or other proper officer, of any ship, or vessel, which shall sail, with the same liberty and security, from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforesaid, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, which shall be the case in any case where it is hereby agreed that the said ships shall give freedom to goods, and that every thing shall be deemed free and exempt, which shall be found on board the ships belonging to the subjects of either of the contracting parties, either private or public, to any representatives; and such ships shall be entitled to the same privileges belonging to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

Art. 16. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those which shall be declared, by the laws of the parties, to be of contraband; and under this name of contraband, or prohibited goods, shall be understood arms, great guns, bombs, with the fuses, and the other things belonging to them, cannon, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musket balls, bucklers, helmets, breastplates, coats of mail, armor, and all other military and warlike instruments whatever. These mercantiles, which shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with all species whereof they are used to be made gild and silver as well coined as uncoined, tin, copper, brass, lead, and all other kinds and all other things proper either for building or repairing ships, and all other goods which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reckoned contraband, much less such as have been already wrought, or wrought to any other use whatever, or whatsoever all other mercantiles and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the free manner by the subjects of both parties, even to places belonging to an enemy, such towns or places of war, as may be, at that time being, blocked or invested by the said ships, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessary, giving receipts, in order that the Power to whom the said ship of war belongs, may pay for the articles so taken, in accordance to the price for the goods on board, to those to whom they may appear to have been destined by the aforesaid papers; and the two contracting parties engage that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses or caprices which may have sustained in consequence of such necessary send and receive, or any contraband goods be on board the same; which certificates shall be made out by the officers of the place wherein the said ship sailed, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the person to whom the same belongs, it shall be allowed; but also all other persons and ships belonging to the party of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be allowed to be legal proofs, unless they shall give legal satisfaction of their property, by testifying an equivalence of the cargo of such ships, or of any other ship, to the same amount, or to the number of two or three men only, to which the master or commander of such ship or vessel shall exhibit his passports concerning the property of the ships brought out according to the form inserted in this present treaty; and the ship, when she shall have showed such passport, shall
be free, and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase, in any manner, or force her to quit her intended course.

Art. 19. Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy in the ports where their consuls reside, or are permitted to be.

Art. 20. It is also agreed that the inhabitants of the territories of each party shall, respectively, have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

Art. 21. In order to terminate all differences, on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner: His Catholic Majesty shall name one commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another; and the two commissioners shall agree on the choice of a third, or, if they cannot agree so, they shall each propose one person, and of the two names so proposed one shall be drawn, by lot, in the presence of the two original commissioners, and the person whose name shall be so drawn shall be the third commissioner; and the three commissioners, so appointed, shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence, of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them, on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions, as shall be awarded by the said commissioners.

Art. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence, without paying any other duty than a fair price for the hire of the stores; and His Majesty promises, either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain, or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.

Art. 23. The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the undersigned plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals, respectively.

Done at San Lorenzo el Real, this seven and twentieth day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY. [I. s.]

EL PRINCIPE DE LA PAZ. [I. s.]

4th Congress.] No. 112. [1st Session.

ALGIERS.

REPORTED TO THE SENATE, FEBRUARY 29, 1796.

The committee to whom was referred the President's communication of the 15th instant, report:

That the expense of procuring and transporting to Algiers the naval and military stores included in the douceur for peace, will probably amount to about one hundred and twenty thousand dollars, making the whole douceur and the ransom of the prisoners about seven hundred and sixty-three thousand dollars; and that, besides the stipulated annuity of twelve thousand sequins, the custom of Algiers will render necessary a present, biennially, of nine or ten thousand dollars, and upon the appointment of a consul, a present of twenty thousand dollars.

That, of the money included in the douceur for peace, sixty thousand dollars were paid at the time of signing the treaty, and the residue was expected to be paid soon, and when the prisoners should be released, and has probably been paid. And,

That, in the opinion of the committee, it will be expedient for the Senate to advise and consent to a ratification of the treaty.
FOREIGN RELATIONS.

4th Congress.] No. 115. [1st Session.

FRANCE.

COMMUNICATED TO CONGRESS, MARCH 25, 1796.

United States, March 25, 1796.

Gentlemen of the Senate and of the House of Representatives:

I send herewith, for your information, the translation of a letter from the minister plenipotentiary of the French republic to the Secretary of State, announcing the peace made by the republic with the Kings of Prussia and Spain, the Grand Duke of Tuscany, and the Landgrave of Hesse Cassel; and that the republican constitution decreed by the National Convention had been accepted by the people of France, and was in operation. I also send you a copy of the answer given, by my direction, to this communication from the French minister. My sentiments therein expressed I am persuaded will harmonize with yours, and with those of all my fellow-citizens.

G. WASHINGTON.

The Minister Plenipotentiary of the French republic to Mr. Pickering.

PHILADELPHIA, the 1st Ventose, (11th of March, 1796, O. S.)

Sir: The Committee of Public Safety, by their last despatches, charged me to announce to you that peace had been made between the French republic and the Kings of Prussia and of Spain, the Grand Duke of Tuscany, and the Landgrave of Hesse Cassel.

With very great satisfaction I acquit myself of the duty enjoined on me by the committee. I am persuaded, sir, that the Government of the United States will participate in it and that, since the French people are combating for liberty, it cannot observe their successes with an eye of indifference.

I embrace this opportunity of announcing to you, that the republican constitution decreed by the National Convention, has been accepted by the French people, and that the constitutional government is in operation.

Accept, sir, the assurance of my esteem,

P. A. ADET.

Mr. Pickering to the Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, March 14th, 1796.

Sir: I have laid before the President of the United States the letter with which you honored me on the 11th instant, and I am directed to assure you of the high and sincere satisfaction he derives from the information you were charged by the Committee of Public Safety to communicate, that peace had been made between the French republic and the Kings of Prussia and Spain, the Grand Duke of Tuscany, and the Landgrave of Hesse Cassel.

With equal satisfaction the President receives the further information which you have been pleased to give, that the republican constitution decreed by the National Convention has been accepted by the French people, and that the constitutional government is in operation.

With great respect, I am, sir, your most obedient servant,

TIMOTHY PICKERING.

4th Congress.] No. 114. [1st Session.

BRITISH TREATY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 30, 1796.

United States, March 30, 1796.

Gentlemen of the House of Representatives:

With the utmost attention I have considered your resolution* of the twenty-fourth instant, requesting me to lay before your House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

In deliberating upon this subject, it was impossible for me to lose sight of the principle, which some have avowed in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

I trust that no part of my conduct has ever indicated a disposition to withhold any information which the constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress, as a right and with truth I affirm, that it has been, as it will continue to be, while I have the honor to

* Resolved, That the President of the United States be requested to lay before this House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, (communicated by his message of the first instant) together with the correspondence and other documents relative to the said treaty; excepting such of the said papers as any existing negotiation may render improper to be disclosed.
preside in the Government, my constant endeavor to harmonize with the other branches thereof, so far as the trust delegated to me by the People of the United States and my sense of the obligation it imposes to "preserve, protect, and defend, the constitution," will permit.

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion, the disclosure of all the measures, demands, or eventual concessions, which may have been proposed or contemplated, would be extremely improper: for this might have a pernicious influence on future negotiations, or produce immediate inconveniences; perhaps danger and mischief, in relation to other Powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate; the principle on which that body was formed confining it to a small number of members. To admit then a right in the House of Representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign Power, would be to establish a dangerous precedent.

It does not occur that the inspection of the papers asked for can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment; which the resolution has not expressed. I repeat that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require to be disclosed; and, in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate, when the treaty itself was communicated for their consideration and advice.

The course which the debate has taken, on the resolution of the House, leads to some observations on the mode of making treaties under the constitution of the United States.

Having been a member of the General Convention, and knowing the principles on which the constitution was formed, I have ever entertained but one opinion of this subject; and, from the establishment of the Government, to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made, and promulgated, thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations; and in all the treaties made with them, we have declared, and they have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced; and, until the present time, not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced: for, till now, without controversy the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions, when they were deliberating on the constitution, especially by those who objected to it; because there was not required, in commercial treaties, the consent of two-thirds of the whole number of the members of the Senate, but of two-thirds of the Senators present and voting; in treaties respecting territorial and certain other rights, and claims, the concurrence of three-fourths of the whole number of the members of both Houses, respectively, was not made necessary.

It is a fact, declared by the General Convention, and universally understood, that the constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller States were admitted to an equal representation in the Senate, with the larger States, and that this branch of the Government was invested with great powers; for, on the equal participation of those powers, the sovereignty and political safety of the smaller States were deemed essentially to depend. If other proofs than these, and the plain letter of the constitution itself, be necessary to ascertain the point under consideration, they may be found in the journals of the General Convention, which we have deposited in the office of the Department of State. In those journals it will appear that a proposition was made, "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and that the power to make treaties and the execution of the Constitution of the United States, that the boundaries fixed by the constitution, between the different departments, should be preserved; a just regard to the constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

G. WASHINGTON.
GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all whom it may concern, greeting:

It has been represented to me that certain tribes of Indians, called the Miamies, in the United States, have obtained from His Majesty plenipotentiaries, and, in consequence, shall be delivered up by the Indians to a superintendent appointed by the Government of the United States, to be dealt with according to the laws of the United States; whereas the third article of the treaty of amity, commerce, and navigation, concluded between His Majesty and the United States, expressly provides, "that it shall, at all times, be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two parties on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted) and to navigate all the lakes, rivers, and watercourses, and freely to carry on trade and commerce with each other."

It has been represented to me that the King's Majesty having persuade[d] that the said Indian treaty was concluded in consequence of instructions given by the Government of the United States at a time when that Government had not yet been apprised of the terms and stipulations of the treaty entered into by the respective plenipotentiaries, at London, on the 19th of November, 1794. Even if any doubts could arise, such a situation renders them peculiarly liable to such impressions, His Majesty trusts, therefore, that the Government of the United States will readily agree in the propriety of an explanation, which, under the circumstances above stated, appears to be of such indispensable necessity; and the undersigned is directed to propose, on His Majesty's part, that an article should, for that purpose, be added to the treaty of amity, commerce, and navigation, and of the United States, so as to form a part thereof, conformably to the provisions contained in the 29th article of that instrument, by which it shall be declared that no treaty, subsequently concluded by either party with any other State or nation, whether European or Indian, can be understood, in any manner, to derogate from the rights of free intercourse and commerce secured by the said treaty. It is, therefore, directed, that the undersigned, on behalf of His Majesty and to the citizens of the United States, and to the Indians on both sides of the boundary line; but that all the said persons shall remain at full liberty freely to pass and repass into the countries on either side of the said boundary line, and to carry on trade and commerce with each other, and the undersigned is instructed and authorized to arrange the terms of such article, with any person who may be appointed by the Government of the United States. And to propose, and to sign the said article, as the said treaty, declaring to be permanent.

If this measure, which appears to His Majesty conducive to the principles of justice and good faith, and indispensable for the circumstances of the case, should meet the approbation of the Government of the United States, the undersigned is instructed and authorized to arrange the terms of such article, with any person who may be appointed by the Government of the United States, to ratify the said article of the treaty of amity, commerce, and navigation; and the undersigned is instructed to propose, on His Majesty's part, that an article should be added to the treaty of amity, commerce, and navigation, between the United States and His Britannic Majesty, signed at London on the 19th of November, 1794. And it being the sincere desire of the United States, as well as of His Britannic Majesty, to prevent the inconvenience which may arise from the uncertainty of the limits of the said treaty, it is deemed it expedient to declare their understanding thereof, by an explanatory article: Now, be it known, that, pursuant to the laws of the United States, I have intrusted, and do hereby intrust, and give full power to, Timothy Pickering, Esq., a commissioner appointed by the United States, to agree with His Britannic Majesty, on an article explanatory of the understanding with the said article, subject to the ratification of the King his master: his Majesty being always desirous to take the earliest and most effectual means of removing any cause of uneasiness between the two Governments, and to maintain with the United States the most uninterrupted harmony and good understanding.

P. BOND.

G. WASHINGTON.

EXPLANATORY ARTICLE.

Whereas, by the third article of the treaty of amity, commerce, and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted) and to navigate all the lakes, rivers, and watercourses, and freely to carry on trade and commerce with each other; I have appointed a commissioner named the part of His Britannic Majesty, on an article explanatory of the understanding with the said article, subject to the ratification of the two parties on the subject of the two articles aforesaid; such explanatory article, when ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications mutually exchanged, to be added to, and constitute a permanent part of, the said treaty of amity, commerce, and navigation, between the United States and His Britannic Majesty.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto attached.

G. WASHINGTON.
and Southern States of America, (and now His Majesty’s chargé des affaires to the United States) and the President of the United States having named, for their commissioner, Timothy Pickering, Esq. Secretary of State of the United States, to whom, according to the laws of his country, he has intrusted this negotiation, they, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably with the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do, by these presents, explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties, with any other State or nation, or with any Indian tribe, can be understood to derogate, in any manner, from the rights of free intercourse and commerce secured by the aforesaid third article of the treaty of amity, commerce, and navigation, to the subjects of His Majesty, and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land, or in land navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

This explanatory article, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the said treaty of amity, commerce, and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof, we, the said commissioners of His Majesty the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND.
TIMOTHY PICKERING.

[1797]

4th Congress, 2d Session.

COMMUNICATED TO CONGRESS, JANUARY 9, 1797.

Gentlemen of the Senate and of the House of Representatives:

Herewith I lay before you, in confidence, reports from theDepartments of State and the Treasury, by which you will see the present situation of our affairs with the Dew and regency of Algiers.

UNITED STATES, January 9, 1797.

G. WASHINGTON.

The Secretary of State respectfully makes the following brief representation of the affairs of the United States in relation to Algiers.

When Colonel Humphreys left America, in April, 1795, he was accompanied by Joseph Donaldson, Esq. who had been appointed consul for Tunis and Tripoli, and him Colonel Humphreys was authorized to employ, in negotiating a treaty with Algiers, while he should proceed himself to France, for the purpose of obtaining the co-operation of that Government in this negotiation.

They arrived at Gibraltar the 17th of May. Colonel Humphreys concluded that it was expedient for Mr. Donal- don to go first to Alicante, rather than Algiers, in order to be near at hand to ascertain facts and profit of occasions. He gave him instructions accordingly; and having also instructed Mr. Simpson, our consul at Gibraltar, to renew our peace with the Emperor of Morocco, Colonel Humphreys sailed from Gibraltar the 24th of May, and arrived at Havre de Grace the 30th of June, from whence he set off immediately for Paris. The object of his mission was communicated by our minister, Colonel Monroe, to the committee of public safety. On the 21st of July, he had received only a verbal answer, that the French Government was disposed to interest itself, and to do every thing in its power to promote the accomplishment of our wishes on the subject in question. On the 8th, assurances were received that immediate measures should be taken for giving particular instructions to the agents of the republic to use its influence in co-operation with us. The multiplicity of affairs with which the officers of the Government were occupied, and the getting from London a sum of money necessary to purchase the usual peace presents, prevented a conclusion of the arrangements at Paris until September. It had been judged expedient by Colonel Humphreys and Colonel Monroe, that Joel Barlow, Esq. should be employed in the negotiations with the Barbary States and his consent had been obtained. By the 11th of September, all the writings on the part of Colonel Humphreys were prepared for Mr. Barlow, to proceed with the instructions and powers from the Government of the French republic, to its agents in Barbary, in lieu of our negotiations.

Colonel Humphreys left Paris the 12th of September, and reached Havre the 14th, where he found the master and mate of the United States’ brig Sophia both sick with fevers. While waiting there, impatiently, for their recovery, he received intelligence from our consul at Marseilles, that Mr. Donaldson had concluded a treaty of peace with the present immediate given, by a loan from Mr. Barri, the Dew’s broker. Mr. Donaldson, knowing that funds had been lodged in London, to answer his stipulations, engaged to make the payments in three or four months.

Colonel Humphreys had received advice, under date of the 30th of July, from the Messrs. Barings, in London, to whom the funds had been remitted, that, having made progress in the sales of the United States’ stock, they should hold, at his disposal, the whole of the value of eight hundred thousand dollars, meaning to furnish, by anticipation, the value of that part which remained unsold, if the service of the United States required it. Colonel Humphreys counting on the money as always ready after this period, sent Captain O’Brien from Lisbon to London, in the brig
Sophia, to receive it. Owing to contrary winds, she did not leave Lisbon till the 24th of December. The other details, relative to the pecuniary transactions, appear in the report of the Secretary of the Treasury.

The disappointments in the pecuniary negotiations put the treaty in jeopardy. The Dey became impatient, and threatened to abandon it; and it was with extreme difficulty that it was prevented. Mr. Barlow returned to Algiers and opened negotiations with the Dey at this period; but on the 15th of February, 1796, he was compelled to conclude with the Dey the treaty mentioned in the letter of July last, for the delivery of slaves, and for the payment of the stipulated sums.

On the 3d of that month the Dey declared what should be his final determination; that, in eight days, Mr. Barlow and Mr. Donaldson should leave Algiers; and if, in thirty days after, the money was not paid, the treaty should be at an end, and his cruisers should bring in American vessels, the Dey would no longer consider the United States as having the last hope of finding a treaty with the Sultan. This was sent of a frigate. This fortunately succeeded. For the particulars of this transaction, the Secretary begs leave to refer the President to the enclosed letter from Messrs. Barlow and Donaldson.

Colonel Humphreys not deeming himself authorized to confirm this promise of a frigate, referred the matter to the Executive of the United States; and, for this end, dispatched Captain Humphreys, brig Sophia, to Algiers. There was, evidently, no alternative; and the promise was confirmed. The frigate is now building in Portsmouth, New Hampshire, and is expected to be finished in the spring. Captain O'Brien returned to Lisbon, where he arrived on the 9th of February, 1796. TheDey had advanced forty thousand dollars and twenty-five thousand pounds. This sum was embarked on board the Sophia and, on the 4th of August, Captain O'Brien set sail for Algiers. He has not since been heard of, and there is room to fear that some misfortune has befallen him. The money was insured, at a small premium for the dangers of the seas. Against all risks, they declared, unless you a premium as Colonel Humphreys judged it inexpedient to give, seeing the Sophia was a vessel of the United States, having a special passport from the President, as well as a passport, in the Turkish language, under the seal of the Dey of Algiers.

Such arrangements have been made by Mr. Barlow and Mr. Donaldson, with the house of the Messrs. Bacri, at Algiers, of which the Secretary has been duly informed, to ensure the payment of the four hundred thousand dollars, originally expected of the latter place; and the same house have become engaged to the Dey and regency for the residue of the money due as the price of peace, without which he would not agree to the redemption of the captives. The Secretary of the Treasury estimates these further sums to be provided:

To fulfill the terms of the treaty—

For two years' annuities to the Dey, $555,759
For which to be added the 10,000 sequins promised by Mr. Barlow and Mr. Donaldson, to Mr. Bacri, mentioned in their letter, 98,345
And for the expenses of the captives performing quarantine at Marseilles, and transporting them to America, estimated by the consul at Marseilles, at about 6,500

$378,600

On the 31st ultimo I received a letter from Mr. Barlow, dated the 12th of July, informing the agent, a Mr. Famin, at Tunis, who had been recommended to him by the French consul, Herculius, had concluded with the Dey of that regency a truce for six months from 15th day of June last, and this without any present.

TIMOTHY PICKERING, Secretary of State.

To the President of the United States.

AGLIERS, April 5th, 1796.

Sir:—
After finishing our dispatches on the 3d instant, to send by the courier to Tangier, we found that the port was to be opened immediately. We therefore gave up that mode of conveyance for a more direct and speedy one by way of Algiers. Very many have now what we hope will be more agreeable news to announce to you. For two days past, we have been witnesses to a scene of as complete and poignant distress as can be imagined, arising from the state of total despair in which our captives found themselves involved, and we without the power of administering the least comfort or relief which was mentioned which we, of sending us away, had been reiterated with every mark of a fixed and final decision. And the Dey went so far as to declare that, after the thirty days, if the money did not come, he never would be at peace with the Americans.

Bacri, the Jew, who has as much art in this sort of management as any man we ever knew, who has more influence with the Dey, and who all the regency are likely to consult, is mentioned as the subject for three months past, now seemed unable to make the least impression. And the Dey finally forbade him, under the highest displeasure, to speak to him any more about the Americans. His cruisers are now out, and for some days past he has been occupied with his new war against the Danes. Three days ago the Danish prizes began to come in, and it was thought that this circumstance might put him in good humor; so that the Jews might find a chance of renewing our subject in some shape or other. And we instructed the Jew, that if he could engage him in conversation on his cruisers and prizes, he might offer him a new American built ship of twenty guns, which should sail very fast, to be presented to his daughter, on condition that he would wait six months longer for his money. The Jew observed that he had better say a ship of twenty-four guns, to which we agreed. After seeing him three or four times yesterday, under pretenses of other business, without being able to touch upon this, he went this morning and succeeded. The novelty of the proposition gained the Dey's attention for a moment, and he consented to listen to us on the subject. But he told the Jew that it must be a ship of thirty-six guns, or he would not listen to the proposition. We were convinced that we ought not to hesitate a moment. We accordingly went and consented to his demand, and he has agreed to let every thing remain as it is for the term of three months from this day. But desired us to remember that not a single day beyond that will be allowed on any account.

We consider the business as now settled on this footing, and it is the best ground we could possibly place it upon. You still have it in your power to say peace or no peace; you have an alternative; in the other case you had none, but war was inevitable; and there would have been no hope of peace during the reign of this Dey.

The guns are to be eight pounders, (English nines,) twenty-four on the main deck, eight on the quarter deck, and four on the forecastle. The twelve last may be smaller. She ought to be built in long proportion, and formed for sailing fast, a circumstance particularly pleasing here. We think such a vessel fitted for sea may be delivered in America for forty-five thousand dollars. Then, as by the terms of the treaty we have to deliver a quantity of long sea timber, its value would be more than compensated on Board to transport a cargo of them to this place. And in this way a saving may be made of about ten thousand dollars in freight.

In order to save the treaty thus far, which has been the subject of infinite anxiety and vexation, we found it necessary, some time ago, to make an offer to the Jew, of being paid over five thousand dollars if he succeeded, and to be distributed by him, at his discretion, among such great officers of state as he thought necessary, and as much of it to be kept for himself as he could keep, consistent with success. The whole of this new arrangement will cost the United States about fifty-three thousand dollars. We expect to incur blame, because it is impossible to give you a complete view of the circumstances; but we are perfectly confident of having acted right.

With regard to the transfer of the funds to this place, we believe it can be done with the least difficulty through Leghorn: that is, to draw from that place on London, Madrid, or Lisbon, as shall be most advantageous, perhaps at all, sending the ship a part in specie from Lisbon, which we believe would be the preferable mode for such a sum as you can ship.
Mr. Donaldson sails to-morrow for Leghorn, there to wait your orders on this head. There is no time to be lost. You will be pleased to instruct him as soon as possible, and let our measures, from this time forward, be effectual. We are obliged to incur a considerable expense to get this letter to Alicante. We hope it will reach you soon.

We remain, sir, &c.

Algiers.

[Image 0x0 to 294x524]

<table>
<thead>
<tr>
<th>JOEL BARLOW,</th>
<th>JOSEPH DONALDSON, Jun.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To DAVID HUMPHREYS, Esq.</td>
<td>American Minister, Lisbon.</td>
</tr>
</tbody>
</table>

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT, January 4, 1797.

The Secretary of the Treasury, in obedience to directions from the President of the United States, respectfully makes the following representation respecting the application of the fund destined for the execution of the treaty with Algiers.

In pursuance of an act passed on the 31st day of February, 1795, the sum of eight hundred thousand dollars was borrowed of the Bank of the United States, which was paid in six per cent. stock. A conviction of the urgency of the case, and a disposition to accommodate the Government, alone induced the Bank to consent to the loan, as the stock was then salable in large quantities at par, including interest. Bills of exchange were not readily obtainable, and the sudden exportation of so considerable a sum of specie would have been attended with inconvenient effects. Indeed, no alternative offered but to renounce the negotiation, or to remit stock as a fund.

Various causes operated to produce a depression of the prices of all kinds of public stock, soon after the remittances had been made. The rates at which sales have been effected are as follows:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$560,000 sold for sterling</td>
<td>111053 15 0</td>
</tr>
<tr>
<td>$249,000 remained unsold, at the date of the latest advices, which may be estimated at eighty per cent. or</td>
<td>43200 00 00</td>
</tr>
<tr>
<td>$800,000 in stock, will therefore produce, in sterling money,</td>
<td>154253 15 00 or 985,572 29</td>
</tr>
</tbody>
</table>

Of the sum of $305,911 57, appropriated for treaties with Mediterranean Powers, by the act of May 31, 1796, there was estimated for a deficiency on account of the treaty with Algiers, the sum of 51132 00.

The whole of the grants for the Algerine treaty may therefore be considered as equal to an effective fund in London of 736,704 22.

The expenses of carrying the treaty into effect are estimated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments stipulated at the time of closing the treaty, to the Dey, his officers, and the treasury, for the redemption of the captives</td>
<td>595,500 00</td>
</tr>
<tr>
<td>To which are to be added, agreeably to Mr. Donaldson's calculation:</td>
<td></td>
</tr>
<tr>
<td>For per centage on the captives</td>
<td>27,000</td>
</tr>
<tr>
<td>Peace presents, consular presents, &amp;c.</td>
<td>60,000</td>
</tr>
<tr>
<td>Commissions to the Jew broker, and presents to principals, &amp;c.</td>
<td>30,000</td>
</tr>
</tbody>
</table>

Amount of money to be paid in Algiers, $693,500 00.

The expenses of remitting the sum last mentioned, from London to Algiers, according to the best estimate which can be formed, will be as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$149,000 procured at Leghorn by bills on London, cost 4s. 10½d. sterling per dollar, or sterling</td>
<td>534,110 00 00</td>
</tr>
<tr>
<td>$269,000 expected to be obtained at 5s. will be</td>
<td>65,000 00 00</td>
</tr>
<tr>
<td></td>
<td>599,110 00 00 or 440,488 88</td>
</tr>
<tr>
<td>$14,000 remitted to Hamburg, sterling £9,002 18 8, or</td>
<td>46,013 04</td>
</tr>
<tr>
<td>$225,000 procured at Lisbon, for which drafts have been passed for sterling £50,007 16 0, or</td>
<td>293,356 99</td>
</tr>
<tr>
<td>$665,000 placed in Leghorn, Hamburg, and Lisbon, and supposed to be sufficient to discharge the pecuniary obligations of the treaty, will probably cost</td>
<td>709,758 81</td>
</tr>
<tr>
<td>Payments made to Col. Humphreys,</td>
<td>2,471 00 00</td>
</tr>
<tr>
<td>Payment to Captain O'Brien,</td>
<td>31 0 0</td>
</tr>
</tbody>
</table>

The naval stores, stipulated by Mr. Donaldson, were estimated at $857,000, but which, agreeably to his enumeration of the articles, will cost, agreeably to the estimate of the purveyor, marked A, 108,415 00. The freight of the said stores is computed at 5,000 00. The expense of the frigate lately promised, agreeably to the estimate of the Secretary of War, here-with transmitted, marked B, will be 99,727 00.

The whole expense of fulfilling the treaty, according to this estimate, therefore, is 992,163 25.

From which the sum effective of the values of the provisions already made, being deducted, as before estimated, 736,704 22.

There will remain to be provided, 255,759 03.

The annexed paper, marked C, is a copy of a representation from Messrs. Barings and Company to the minister of the United States in London, dated August 9th, 1796, the accuracy of which is confirmed by the correspondence therein referred to. There is, therefore, no room to doubt that the delays, and consequent accumulation of expenses, are to be attributed solely to the extraordinary events of the war in Europe, and to other causes over which the Government of the United States have had no control.

By the last article of the treaty, the United States are bound to pay an annuity of twelve thousand Algerine sequins in maritime stores. The cost and freight of the articles required by the Dey for the first two years' annuity will, agreeably to the purveyor's estimate, marked D, be 184,216 63.

For which the appropriation made by the act of May 6, 1796, for two years, being deducted, 48,000 00.

There will remain to be provided on this account, the sum of 96,216 63.

All which is respectfully submitted by

OLIVER WOLCOTT, Secretary of the Treasury.
FOREIGN RELATIONS.

A.

An Estimate of the probable cost of articles for the Algerine Treaty.

500 barrels of powder, at £15, £7,500 00 00
66 tons of lead, at £40, £2,670 00 00
20,000 cannon balls, at £276, £5,520 00 00
5,000 double-headed shot, £65 00 00
200 pieces of canvas, £1,100 00 00
2,000 gun barrels, £2,000 00 00
50 masts, at £100, £5,000 00 00
100 spars, at £40, £4,000 00 00
100 cables and cordage, 45 tons, at £155, £10,575 00 00
3,000 pine and oak planks, six inches thick, fifty feet long, £2,000 00 00
200 pieces scantling, £500 00 00
200 barrels tar, £200 00 00
100 barrels pitch, £100 00 00
14 cannon, &c.

£46,655 00 00

December 29, 1796.

TENCH FRANCIS, Purveyor.

B.

Estimate of the sum necessary to build and equip a frigate to carry thirty-six guns, for the Dep of Algiers. To which is added an estimate of navigating the same to Algiers.

Carpenter’s bill for building the hull, launching the same, together with a complete set of masts and yards, per ton, £45
Joiner’s, smith’s, plumber’s, boat-builder’s, carver’s, cooper’s, blockmaker’s, sailmaker’s, rigger’s and rigging, with ship chandler’s bills, 55
Ship complete of 328 tons, per ton, £100 00 00
Copper sheathing, 4,118 40 00
Cannon, 8,258 60 00
Copper plate and brasses, 1,240 00 00
Powder, shot, and other military stores, 13,551 00 00
Fifty men, including officers, their pay and subsistence for five months, 8,559 00 00
Contingencies, 10,000 00 00

£92,727 00 00

War Office, December 29, 1796.

JAMES M’HENRY.

C.


In the execution of the business with which Baring and Co. have been entrusted, they have communicated to Mr. Pinckney, from time to time, every material circumstance which has occurred; but, as the present position is extremely critical and important, they will endeavor to state as concisely as possible, from the commence ment of the business, for the consideration and determination of Mr. King.

March 7, 1795. The President of the Bank remit to Baring and Co. eight hundred thousand dollars in certificates of the six per cent. stock, with orders to sell the same, without causing a depression in the prices, and thus injuring the credit of American funds. The nett proceeds, after deducting the usual commissions, are to be held at the disposal of Colonel David Humphreys. And we are directed to inform Colonel Humphreys of the progress we may make, from time to time, in the sales of the stock, and also of the terms upon which remittances can be made to Cadiz or Leghorn.

This contains nearly the whole of our orders, or at least the whole of what we conceive to be necessary for the information of Mr. King in the present moment; the further letters from America being almost wholly answers to our numerous letters, and do not contain a syllable of disapprobation with regard to our conduct, but the reverse.

March 31, 1795. Colonel Humphreys writes from Philadelphia that we would furnish him with information, assistance, &c. directed to him at Lisbon.

April 38. We wrote very fully to Colonel Humphreys, containing every information relative to the probable sale of the stock, and the various means by which he could execute his commission through London, Lisbon, Cadiz, and Italy, in general.

May 19. We wrote still more fully in answer to his letter of the 31st of March; wherein we offered to anticipate a considerable sum on the value of the effects in our hands, for which there was no demand at the moment. We explained to him the value of the Italian coins, those of Spain being well known—mentioning that it was easier to procure money at Leghorn, where there was no restraint, than at Cadiz, where dollars where more plentiful, but the exportation was exclusively in the bank of St. Charles, from whom it was difficult to obtain permission; that we would procure any quantity in London; to which we added the names of our correspondents at the different places, offering every service in our power, direct or indirect.

May 18. Colonel Humphreys advises of his arrival at Gibraltar.

July 21. We advise Colonel Humphreys that we had sold three hundred thousand dollars; that we were ready to pay one hundred thousand pounds to his order; and if he wanted a further sum, we desired to be informed.

July 27. Colonel Humphreys directs us to pay forty thousand dollars to Mr. Deas for Mr. Andrews, which was immediately complied with by a credit on Hamburg for that value.

We informed Colonel Humphreys that, having made further progress in our sales, we should hold the whole of the value of eight hundred thousand dollars at his disposal, meaning to furnish, by anticipation, the value of that part which remained at that time unsold, if the service of the United States required it.

November 29 is the next letter from Colonel Humphreys, and the commencement of our difficulties. He informs us that he should send the Sophia, for the purpose of receiving Portugal gold and Spanish dollars in London, to the amount of six hundred and fifty thousand Spanish dollars. He further opens credits in favor of Messrs. Dohrman, of Lisbon, which were punctually paid; and he desires remittances on Lisbon, which, from the scarcity of paper at the time, was effectuated to a very trifling amount.
This letter was followed and confirmed by others from Colonel Humphreys, dated the 16th, 22d, and 24th of December, of a similar tenor, or very nearly so, and the arrival of the brig Sophla, from Lisbon.

Although Colonel Humphreys has not mentioned to us the reasons for this proceeding, we may compute it to the advice contained in one of the letters of Captain Crandon, by which he advertised the probable period of the coming of the Spanish vessels, and the probability that the Spanish dollars of which a sum of that description could be procured in London of Spanish dollars, having ourselves never experienced the least difficulty in disappointment for large sums.

December 22. We answered these letters, advising Colonel Humphreys of the impossibility to procure Portuguese dollars, which had been received for many years; of the extraordinary turn which had appeared with regard to bullion, in consequence of the immense drains upon the country for carrying on the war, and which has finally compelled the minister to abandon his favorite project of a second loan to the emperor. But as the difficulty had only appeared to appear, we hoped that, with some delay, we should be able to collect the dollars, for the purpose of executing the orders of Colonel Humphreys.

January 17, 1798. Finding it impossible to procure gold, and no silver arriving, we submitted the whole of the orders and correspondence to Mr. Pinckney, when it was determined to purchase such silver or Spanish dollars as should arrive, but it could not be known whether the wind or the weather would prevent the arrival of these dollars, or that we should be able to collect the dollars, for the purpose of executing the orders of Colonel Humphreys.

In the mean while, we wrote to Messrs. Parish and Co., of Hamburg, to know whether Portuguese gold or Spanish dollars could be obtained in that place.

Jan. 19, 20—Feb. 2, 12, 1798, are letters wrote to Colonel Humphreys; wherein we acquainted him with our prospects; and from time to time, gave him an account of sums given in exchange for dollars, and that no silver had arrived in London.

February 18. Having determined with the approbation of Mr. Pinckney, to send the Sophia to Hamburg, in consequence of the encouragement of Messrs. Parish and Co., on applying to Captain Crandon, he observed that it was contrary to his instructions, which were to return to Lisbon; and as considerable doubts existed about proceeding to Hamburg, Mr. Pinckney declined giving a positive order to Captain Crandon, which proved fortunate, as, immediately after, advice was received from Messrs. Parish and Co., that the dollars they had in view had been purchased, most probably for account of the British Government.

On this occasion, and under this date, we wrote to Colonel Humphreys, by the brig Sophla, and by the packet, acquainting him with our disappointment in toto, which we accompanied, at the intimation of Mr. O'Brien, with letters of credit on Madrid and Cadiz. And, in order to finish this part of the subject, as it was necessary for the Sophia to return, we observed that, had it been delayed for a few months, we could not have procured one half of the quantity of the Spanish dollars required.

March 1. We advised Colonel Humphreys that we had received a large sum in bills drawn on Leghorn on the British Government, being for money sent to Algiers, and which appeared afterwards to be for the release of the Corsican prisoners.

March 28, 29, are answers to letters from Colonel Humphreys, relative to our accounts chiefly, dated 17th of February and 9th of March, which we do not notice, concluding that he was satisfied, as nothing appears in reply to us but, as there was reason to fear the dispatch of the Spanish dollars would not be executed in Spain, the Government there refusing a licence, notwithstanding the endeavours of Messrs. Jeyes and Sons, aided by the American minister or resident.

April 1, we wrote to Messrs. Fonnerneau, of Leghorn, not only to open the necessary credit, but to explain to them, in a full and confidential manner, the nature and extent of our preceding disappointments, requesting (with the approbation of Mr. Pinckney and Colonel Humphreys) that they would convey to Algiers (through the medium of Bacri, who is brother to the person employed and trusted at Algiers by the Day for all his transactions with Europeans) such information as should satisfy the Day that the delay in paying the money did not arise from the want of funds, credit, or endeavors, on the part of the United States, but must be solely attributed to the political difficulties of the day, and to the usual channels or mode of transmitting the coins for the purpose.

It is unnecessary to quote dates of letters, as there appears but one opinion on the subject, namely, "that the business must finally be done at Leghorn, and both Mr. Pinckney and Colonel Humphreys recommend most earnestly that the information alluded to should be conveyed to Algiers." Since 2d April, we have written several letters to Messrs. Fonnerneau, over our letter of the 1st, promising to follow the orders of Colonel Humphreys; and that Bacri would communicate to Algiers every thing we had desired.

June 17. (Messrs.) Fonnerneau advise the delivery to them, on that day, of the orders from Colonel Humphreys to pay to the order of Mr. Donaldson four hundred thousand Spanish milled dollars, which they acquaint him shall be immediately complied with.

June 19. Mr. Donaldson acquaints Messrs. Fonnerneau that he should accept the sum and, on a meeting between them and Bacri, the price of the dollars, with that of the agio, was settled, to the satisfaction of Bacri.

July 15. Mr. Donaldson agrees with Bacri, with whom he had been remaining two hundred and sixty thousand dollars, which Bacri offered to negotiate to him, and to give him a receipt for the whole four hundred thousand dollars, which he engaged to ship for Algiers; but a certain difficulty on his side would not permit him to sign receipts to us for more than he had absolutely received in cash.

July 16. The French entered Leghorn, and Fonnerneau embarked on board an English frigate.

July 18. We have not heard from Algiers, or through the usual channels, or mode of transmitting the coins for the purpose.

Bacri, under the same inquires, about Mr. Donaldson's credit on us, and whether we have orders for more than $400,000.

This question leads to a state of the account, with an estimate of the effects in our hands. Of the original sum sent to us, we have only sold $600,000, the price having fallen at one time so low as 89; and believing that Government would feel reluctant to sell under 90, we had determined to anticipate on the value of the remainder, waiting for our reimbursement in due time.

The $600,000 above have produced
$611,053

Some have sold above 90 per cent. and none below that price, which leaves about 3s. 11d. per dollar. The present price is 86, with little demand. Suppose the remaining $240,000 produced
3d. 9d. per dollar, the amount will be
45,000

Total amount of sales and effects,
$156,053

The great defalcation in the nominal dollars arises from the remittances being made in funds, which sell at 10 per cent. under par, and the payment being made in foreign money, at a rate very much above par; that of Leghorn, in particular, has advanced 16-18 per cent. above what it was, not a long while since.

Our payments are as follows:

Credit on Hamburg, $40,000,

$2,000

The drafts of Dohorjan, 50,007,

3,056

Remittances to Colonel Humphreys,
his draft 5th December,

435

Paid O'Brien, 31

Paid sundry persons for the dividends on stock sold,

$140,000 paid Mr. Donaldson, we calculate about 4s. 10d. 11d. each,

2,497

34,110

$99,118
Suppose the remaining $860,000, which includes Mr. Donaldson’s drafts, calculated at the same rate, the amount will be, at 5s.

Total amount of payments, 

Ditto of sales and effects, 

The sum of £3,497, paid by us for dividends, will be received again by us from America, and of course appear, ultimately, to the credit of the United States.

Under all the circumstances which have been stated, it is submitted to Mr. King what ought to be done in the present moment?

Mr. Fonnerneau says, that reliance may be had on Bacri having conveyed to Algiers the information requested; and, moreover, that it will be thoroughly satisfactory at that place. Bacri is a wealthy man, and willing to do a friendly action; that he is much trusted by the French, and that the banker of Fonnerneau is also banker to the French.

On the other hand, the sum to be drawn is more than sufficient to enable Bacri to fix the course of exchange for many weeks, and also the agio, for a considerable time. This idea may be carried still further: for, in the present situation of Leghorn, there is, in fact, no exchange, and the drafts of Mr. Donaldson must be negotiated elsewhere. The Italians moreover know, that bills drawn from Leghorn, subsequently to the entry of the French, cannot be negotiated in the Leghorn market.

Baring and Co. can have no difficulty with regard to themselves. They are directed to hold the proceeds or value (which they conceive to be equal the intention of the United States) at the disposal of Colonel Humphreys, who directs them to pay $100,000 to the order of Mr. Donaldson, which will be punctually compiled with to the extent of sales and value of what remains under a proper licence. But that zeal which has induced them to follow this business into foreign ports, without any other motive for their so doing, induces them to submit the difficulties which occur with regard to the actual position of Leghorn, a doubt whether the business can be executed from thence at present, and still more, the defalcation which must arise respecting the funds, to the consideration of Mr. King, for his better judgment; and which they trust will serve as an apology for the detail with which they now trouble him.

£156,095 sales and supposed value.

2,497 dividends.

159,050

5,508 deficient, supposing Mr. Donaldson can negotiate the remaining $860,000 at 5s. those of Mr. Fonnerneau having cost 4s. 10d. 3d.

£164,118

D.

An estimate of the probable cost and freight of the maritime stores necessary for paying the first and second year’s annuities to the Dey and regency of Algiers.

1,000 barrels of powder, 

2,000 pine and oak planks, 

3,000 pine boards, 

2,000 pine staves, 

100 dozen long tar brushes, 

34 cables, 80 tons, 

10 coils white rope, 1,000 pounds, 

5 tons yarn, 

100 bolts canvass, 

3 tons lead, 

35 tons spikes, 

2,000 bomb shells, 

£15,000

6,000

4,500

50

100

10,900

500

975

550

120

3,997 10 0

650

£24,949 10 0

To transport the above to Algiers, suppose

£144,216 63

December 29th, 1796.

Trench Francis, Paymaster.

4th Congress.]

No. 117. [2d Session.]

ALGIERS.

REPORTED TO THE SENATE, JANUARY 16, 1797.

Mr. Marshall, from the committee to whom was referred the President’s message of the 9th inst. relative to our affairs with the Dey and regency of Algiers, having considered the same, made the following report:

The further sum of two hundred and fifty-five thousand seven hundred and fifty-nine dollars and three cents, being a balance of nine hundred and ninety-two thousand four hundred and sixty-three dollars and twenty-five cents, not yet paid, will be necessary to carry into effect the treaty with Algiers, agreeably to primary stipulations, including the frigate of thirty-six guns, promised the Dey; that, for the balance of the annuity granted by the said treaty, calculated for two years, at one hundred and forty-four thousand two hundred and forty-six dollars and sixty-three cents, the further sum of ninety-six thousand two hundred and forty-six dollars and sixty-three cents; that for the ten thousand sequins promised the Jew broker by Mr. Donaldson, the sum of eighteen thousand dollars and that, for the expenses of the captives performing quarantine at Marseilles, and transporting them to America, the sum of six thousand dollars will also be necessary making in the whole three hundred and seventy-six thousand eight hundred and five dollars and sixty-six cents, which sum, in the opinion of your committee, ought to be appropriated out of some effective fund, for the purposes aforesaid.
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COMMUNICATED TO CONGRESS, JANUARY 19, 1797.

Gentlemen of the Senate and of the House of Representatives:

At the opening of the present session of Congress, I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France; that our trade had suffered, and was suffering, extensive injuries in the West Indies, from the cruisers and agents of the French republic; and that communications had been received from the commerce which interested danger of a further disturbance of our commerce by its authority, and that were, in other respects, far from accelerating the pursuit. It was, I reserved for special message a more particular communication on this interesting subject. This communication I now make.

The complaints of the French minister embraced most of the transactions of our Government in relation to France from an early period of the present year. First, and with reference to the year 1793, required a particular examination of all the transactions of our Government from that time to the present. The other indispensable duties of the office prevented my entering on this examination as early as I had expected, and the result of this examination, I am now, by the direction of the President of the United States, to communicate to you. This history of our affairs you will find supported by documents, many of which were delivered to you at your departure, and the residue will be herewith transmitted.

The discussion on this subject will be confined to facts, you will duly appreciate; and from the whole, joined with your own observations, you will be enabled to answer this of the Senate, and to demonstrate their impartiality as a neutral nation, their fidelity in the observation of treaties, and their friendship as an ally.

The discussion on which I am entering will involve much repetition; for the general questions and particular cases intermixed together in the minister's last note, have been subjects of controversy and correspondence from May, 1793, to this day. Some other points have, indeed, been contended for which the time has now passed without notice. Why they are omitted I know not: for in these cases the United States were as positively charged with violating treaties, as in those which he has been pleased now to detail. Some of them it may be proper to introduce, to render less imperfect the view of our relations to France.

The complaints of the French minister against the United States have reference to three principal subjects:

1st. To the abandonment of their neutral rights, to the injury of France, in not maintaining the pretended principles of the modern law of nations, that free ships make free goods, and that timber and naval stores, for the equipment and armament of vessels, are not contraband of war.

2d. To violations of our treaties with France, even in their letter.

3d. To the treaty of amity and commerce between the United States and Great Britain; which he alleges "deprives France of all the advantages stipulated in a previous treaty." A fourth complaint is truly ingenious. The fortune of war has constrained some of the belligerent Powers, from enemies, to become her allies; and if the alleged abandonment of the rules of the modern law of nations, in its consequences, works an injury to those alliances, from that circumstance it follows, that the interests of France are injured. Perhaps it will be in time to notice this last charge when those allies themselves complain; if the answer to the first, involving the same principle, should not render such notice altogether unnecessary.

I shall now present to your view those facts and observations which will prove, we conceive, that the minister's complaints are unfounded.

Under the first charge, that we have not maintained, as we ought to have done, our neutral rights, it is alleged:

1st. That the abandonment, that free ships make free goods, is an established principle of the modern law of nations, and that Great Britain, by capturing French property on board our vessels, has violated our neutral rights; and that, unless we compel Great Britain to respect those rights, France will be justified in violating them.

Not to remark on the singular reasoning, that if one warping Power commits an act of injustice towards a neutral and innocent nation, another warping Power may lawfully commit the like injustice, we may ask what authority is adduced to show that the modern law of nations has established the principle, that free ships make free goods? Vattel says positively, "that effects belonging to an enemy found on board a neutral ship are seizable by the rights of war." Agreeably to this long established rule of the laws of nations, France herself, in her maritime laws, has directed that the merchandizes and effects belonging to her enemies, which shall be found on board neutral vessels, shall be good prize. By a former law, indeed, the neutral vessels themselves, as well as the effects of her enemies on board, were declared to be good prize. Vattel remarks, however, that this inconvenience is repaired in many cases by the operation of the law of Sping and Sping; and that, elsewhere, the goods of the enemy were alone subjected to confiscation. And in the treaty of commerce between France and the United States, in 1786, it was stipulated that "all effects, provisions, and merchandise, whatsoever, belonging to her enemies, and found on board the vessels of Hamburg, should be confiscated."

Mr. Adet remarks, that one of his predecessors, in July, 1793, applied on this subject to the Government of the United States, but was unsuccessful. He must refer to Mr. Genet's letter to Mr. Jefferson, dated July 9th, 1793, [The subject was referred in terms very extraordinary in his letter of July 30th, 1793.] to which Mr. Jefferson answered on the 24th, declaring "his belief that it cannot be doubted but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are lawful prize." It is true that sundry nations, desirous of availing themselves of having their vessels stopped at sea, ran sacked, carried into port and detained, under pretense of having enemy goods on board, have, in many instances, violated the special treaties, another principle is altogether the effect of particular treaty, controlling, in special cases, the general principle of the law of nations,
and therefore taking effect between such nations only, as have so agreed to control it." And it is plain that it was to avoid the inconveniences resulting from this general rule, that provision was made of nations, that France and the United States should be neutral in all transactions with belligerents, that free ships should give freedom to goods; and that all things should be deemed free which should be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should be neutral to the same extent. The Paris convention was also planned with the idea that a naval war was intended to operate (indeed it was not a naval, but a commercial war), and that the neutral object, and otherwise could have no operation at all) when one of the parties should be at war with a nation or nations with whom the other should be at peace. France, therefore, has now no right to complain if the goods of her enemies find protection on board American ships. The reason thereon, the right of contraband is to be made on such goods: the just equilibrium between her and the United States will be restored when we are at war and she at peace at which time the goods of our enemies will find protection on board the vessels of her citizens.

It is alleged that we have abandoned the modern public law on contraband, and by our treaty with Great Britain and the other belligerent Powers, exercising the rights assured to them by the law of nations, made prize of enemy's property on board neutral vessels, and of contraband goods belonging to neutrals. Eager as neutral nations must be to seize the opportunity, held for them, of making their commerce more secure, to use their military power, it was perfectly natural that the nation should desire to establish a rule as free ships shall make free goods, or, in other words, that neutral bottoms should protect the goods on board, to whosoever these belonged; and it was equally natural that these nations should desire to diminish the list of contraband goods. In respect to the treaty with the French, which was the first treaty of Great Britain with a neutral power, whose dominions, chiefly, the other maritime nations of Europe received supplies of timber and naval stores, to strike these from the list of contraband, or, by some means, to exempt them from capture.

With these dispositions, the Empire of Russia, in February, 1830, made public the principles on which she would maintain the commerce of her subjects. It is necessary here to recite only two of them. 1. That all the effects belonging to subjects of the nations at war should be free on board neutral vessels, contraband goods excepted. 2. That the articles of contraband should be restricted to the 10th and 11th articles of her treaty of commerce with Great Britain, extending to the articles of all the belligerent Powers.

To enforce the observance of these principles, she gave orders for equipping a considerable part of her marine.

In July of the same year, Denmark acceded to the principles of the armed neutrality, and made a convention with Russia for maintaining them. It is apparent, from the terms of the convention with Great Britain, concluded the 11th of July, 1670. In the third article of the convention, it is said: "It is entirely natural that the description of contraband goods in general terms: "Any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war." But the French, in the 18th article, 1670, between Great Britain and Denmark, "to explain the treaty of commerce of 1670 between the Powers," the articles declared contraband are particularly enumerated, and among those we see "timber for ship building, tar, rosin, copper in sheets, sails, hemp, and cordage, and generally whatever serves directly for the equipment of a vessel, unwrought iron and planks, etc. It is remarkable that these are the very articles admitted as contraband in the treaty of commerce. Mr. Adet declares "all the commercial relations between France and the United States are entirely broken."

But it is further to be noticed that this convention between Russia and Denmark, concluded in the midst of the American war, was the principles of its treaty with other European Powers as well as with Great Britain, that the proclamation of the King, in the 9th article, to have been concluded and agreed on, for the time that was to last, though it was to serve as a basis to future engagements which circumstances might render necessary, on account of new naval wars in Europe; and with the latter view, the King declared "that no interposition of the neutral Powers. He therefore was urgent that the Empire, with all the parties to the maritime convention, "should propose to the belligerent Powers the establishment of a Congress, in which the different concerns, both of the Powers at war and of the Neutral Powers, shall be examined and terminated. And these concerns be the "pacification, and the manner of giving a permanent code of laws," objects truly important, and merits the whole solicitude manifested on the occasion by the King.

But these steps of the King of Sweden serve as additional proofs that the principles of the armed neutrality were not considered by the belligerents, or by the existing by the law of nations of nations. For, permanently to establish those assumed principles, by introducing them into a maritime code, was obviously the influential motive with the King for desiring a Congress, at which such a code might be settled with the assent of all the nations of Europe. But this project did not succeed; nor was commerce made peace at different periods; and with that war ended the maritime convention. This, no nation has reason to regret that the King, on our own, as well because the principles in question respect some very valuable portions of our exports, as because our disposition and our policy preserving us in peace, such an extended liberty of commerce would produce highly advantageous to us as a country. Nor, as the Powers at war were very well conscious that the law of nations, the marine laws of France, her own treaties, as well as those of Sweden, Denmark, and Russia, and the influence of the sovereigns of all other nations, and even the system of the armed neutrality,contestably establish these principles, that enumerated goods on board of neutral vessels are rightful subjects of capture, as well as that timber and other articles for the equipment of vessels, are contraband of war; and, therefore, that the admission of these principles in the treaty between the United States and Great Britain, not being a grant to her of any right (for in what sense could we be said to give what she before possessed?) furnishes no just ground of offence to France. But if the United States, at a future time, should desire to return to her? Or how are we chargeable with "partiality in favor of England," because we do not take up arms to compel her to respect it? But Mr. Adet, still resting on the idea that, to compel Great Britain to renounce, is to grant her a right, seems to imagine that we shall attempt to have, by either of the means the King has suggested by saying "that France, having the right, by her treaty with Great Britain, to enjoy all the advantages in commerce and navigation, which the United States have granted to the other neutral Powers, is not, by the stipulations of the treaty of 1794, (with Great Britain) relative to commerce and navigation, by the testamentary bequests by which he refers to has no relations as they become common to her." But we shall assuredly lose no particular favor to Great Britain, or to any other nation, in respect to commerce and navigation, we readily admit that, by this article, France would be immediately entitled to the same rights in navigation. But, in regard to contraband of war, we have granted nothing, and, therefore, under that article, France can claim nothing.

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Under the influence of present and temporary interests, the very nature of the stipulations between France and the United States, on the subject of free commerce and the navigation of the seas, made it difficult for the contracting parties, to look for the basis of their treaty "the most perfect equality and reciprocity." Would they then conspire to their own hurt? Would they voluntarily and mutually stipulate for injuries? Or for advantages? Certainly the latter; and in fact the agreement was expressly advantageous which secured to each, in its turn, the freedom of commerce provided by the rules that free ships should make free goods and that timber and naval stores should be excluded from the list of contraband.

Connected with this subject is what concerns the articles of provisions. Mr. Adet says, "after having assured to the United States, the same free commerce with other Governments, as the United States enjoyed with England, the treaty, in a word, it desired to have commerce only with England. Thus it stipulates, by the 18th article, that the American vessels laden with grain may be seized under the frivolous pretext that it is extremely difficult to define the cases wherein provisions would be generally excepted, could be classed in the list of contraband of war.

There are so many extraordinary and ambiguous expressions in Adet's notes, in the above paragraph, that "the American vessels laden with grain may be seized under the frivolous pretext that it is extremely difficult to define the cases wherein provisions would be generally excepted, could be classed in the list of contraband of war." The Federal Government is constituted of the citizens who have a common interest with their fellow-citizens of the United States. That common interest has a peculiar relation to commerce, on the freedom and extension of which their general prosperity and the public happiness depend. Will it then be believed that the Government wished this commerce to be restrained, particularly the commerce in which the United States are at all times the valuable part of our exports? Especially, will it be believed that the Government desired that our citizens might have commerce only with England.

Let the general sense of our fellow-citizens answer these charges. Let the great mass of our commercial men lead an example and they whose enterprise traverses the seas, and great in the globe, to extend their gainful trade; citizens whose commercial adventures to France and her colonies have annually raised to many millions; adventures by which many have hazarded their credit and their fortunes. Yet, among all our citizens, there has been more solicitude to form a commercial treaty with Britain; none more decided in approving that which has been made.

For the reasoning of our own Government on this subject, I beg leave to refer you to my letter of September 19, 1797, written, by the President's direction, to Mr. Monroe. Therein it was attempted to show the necessity and our right to make a treaty with that nation. I hope it will appear to you that the conclusion is there fairly drawn; that even the 18th article, as respects provisions, would open the Favourable engagements.

Before the treaty with Great Britain, her cruisers captured neutral vessels bound to France with provisions. She agreed, in certain cases, provisions were contraband of war; consequently, that she might lawfully cap-
ture and confiscate such provisions, she directs the principle and constitutes the laws on that subject. In this dilemma, it was agreed by the treaty, that, whenever provisions, becoming contraband by the law of nations, should be captured, they should be paid for with a reasonable mercantile profit. This stipulation, without admitting the right of a nation to confiscate the goods of a neutral in case of capture, would certainly tend to promote, rather than to discourage, adventures in provisions to France.

But as this treaty has been the subject of serious complaint on the part of France, it is important to inquire with what force of reason the complaint is made.

I might pass over the unworthy insinuations of the minister, that the treaty was entered into by us, in order to ensure advantages to the English, and to furnish our own Government with a reply to the claims of France, and peremptory motives for refusal to adhere to them; that the true object of the negotiation was inessentially disguised under the specious pretences, and covered with the veil of dissimulation. These insinuations have been indiscriminately addressed to the people of the United States. They will gain no belief. It may, however, be useful for you to be truly informed on this subject.

The President's message to the Senate, on the 16th of April, 1793, does not declare (as Mr. Adet asserts) "that Mr. Jay desired to make the treaty of the Union and the wrongs.

The President says that Mr. Jay's mission would announce to the world "a solicitude for a friendly adjustment of all the differences which had so long dis-arranged from the United States, such an envoy would carry with him a full knowledge of the existing temper and sensibility of our country, and be thus to vindicate our rights with firmness, and to cultivate peace with sincerity." And shall the partisans of either of these objects be denied to us? What were our counsellors? The most urgent regarded the spoliations on our commerce, and the inexecution of the article of the treaty of peace respecting the posts. With the latter was connected the Indian war, with which we had been harassed for so many years; and with the former, the injury or ruina of our merchants, and the consequent extensive damage to agriculture. These being the most prominent objects of our countrymen, of course, must be attended and without them the mission probably would not, at that time, have been contemplated. But had we no other "complaints? Did not the impression of our seamen, like the spoliations on our commerce, excite an universal complaint?

Mr. Jay, to be sure, did not object to British vessels having a commercial treaty? Was it not even a subject of complaint and reproach? Was not the inducing her to enter into such a treaty measures agitated in Congress? Had not a commercial treaty with Great Britain been earnestly sought for from the outset of his mission, and war to the time of Mr. Jay's mission? How, also, could Mr. Jay, after adjusting the primary principles of his mission, have omitted to insist on objects of his mission, better calculated to improve the state of our commerce, than by forming arrangements calculated to extend and protect our trade, to promote good neighborhood; or a friendly and mutually beneficial intercourse; by prescribing a previous demand of justice and satisfaction to basty reprisals, which naturally leads to an agreement on other regulations, to prevent disputes, or to adjust them when they should arise? All these objects, then, and whatever else would be the means of "cultivating peace," were clearly comprehended in the President's message.

But Mr. Adet says, "that Mr. Jay's negotiation was enveloped from its origin in the shadow of mystery." And to whom was our Government bound to unveil it? To France, or to her minister? Mr. Adet should answer, or not have complained. And was it for this, to make us dependent on the French empire, that our alliance was formed? Did we stipulate to submit the exercise of our sovereignty (if it is not a contradiction in terms) to the direct interference of the Government of France? Let the treaty itself furnish the answer.

The essential and direct end of the present defensive alliance is, to maintain the liberty of the United States and the liberty and security of the American states in the seas, unimpaired, of the said United States; as well in matters of Government as of commerce." So, likewise, the treaty of amity and commerce, in its preamble, declares that His Most Christian Majesty and the United States, wishing to fix regulations which might be obtained in the most perfect equality and reciprocity, and reserving, withal, to each party the liberty of admitting at its pleasure other nations to a participation of the same advantage.

Corresponding with this declaration in our treaty of amity and commerce with France, is the declaration of the 35th article, that "the representatives of the United States, in France, are the ambassador, or the ministers plenipotentiary of the United States, in France, have received express orders to make the following declaration to the court of London:"

The United States of North America, who are in full possession of independence, as pronounced by them on the 4th of July, 1776, and having proposed to the King to consolidate, by a formal convention, the connection begun to be established between the United States, and the representatives of the United States have signed a treaty of friendship and commerce, designed to serve as a foundation for their mutual good correspondence.

His Majesty being determined to cultivate the good understanding subsisting between France and Great Britain, by every means in his power, thinks it necessary to make this proceeding known to the court of London, and to declare, at the same time, that the contracting parties have paid great attention not to stipulate any exclusive advantages in favor of the French nation, and that the United States have reserved
the liberty of treaty with every nation whatever, upon the same footing of equality and reciprocity." Why, after all this, do we hear from Mr. Adet the complaint, that the negotiations of the British treaty were secretly conducted? In other words, that, in exercising their absolute and unlimited rights of "government and commerce," the United States did not lay open to the French minister, or his Government, the instructions to our envoy, for securing this object, nor guard against the views of our commercial and fiscal required; a communication was made to the French minister. He was officially informed "that Mr. Jay was instructed not to weaken our engagements to France." This instruction was obeyed; Mr. Jay having taken care to insert, in the 59th article of the treaty, this explicit stipulation: that "nothing in this treaty contained shall be construed as an indulgence of privileges or advantages, or a cession of our sovereignty, with the French Republic, to persons injured by the violation of the treaty by the Powers, it having been committed under a treaty with France, or the refusal to receive our emissaries, if they be duly authorized, or the refusal of the United States to open the ports of Italy."

The Government gave a further proof of its candor and friendship, by communicating to the French minister the treaty itself, prior to its ratification, "in order to enable him to make such observations thereon as he might judge proper." The minister communicated it to Mr. Adet, a letter of the 10th of April, of 1795, and the refutation of his objections in the Secretary's answer, dated the 6th of July following.

With these facts in view, facts of which the chief are drawn from our treaties with France, and from her own acts and laws, what opinion is to be formed of Mr. Adet's declaration, "that the executive directory regards the treaty, by which the French nation is excluded with a violation as a violation of the treaty made with France, in 1778, and equivalent to a treaty of alliance with Great Britain?"

I will now advert to the charge, "that, far from offering the French the succors which friendship might have been given without compromising it, the American Government, in this respect, violated the letter of the treaty." As far as I can at war with France, shall not fix their ships in the ports of the United States.

1st. That such prizes are not to be arrested or seized when they enter the ports of the United States.

2d. That the officers of the United States shall not make any examination concerning the lawfulness of such prizes, but,

3d. That they may hoist sail at any time, and depart, and carry their prizes to the places expressed in their commissions.

4th. That, on the contrary, no shelter or refuge shall be given, in the ports of the United States, to such as shall have made prize of the subjects, people, or property, of France; but if such shall come in, be forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out, and retire thence as soon as possible.

It will also be convenient here to notice the stipulations contained in the twenty-second article. These are:

1st. That foreign privateers, not belonging to French subjects or citizens, having commissions from any other Power which the United States have at war with France, shall not fix their ships in the ports of the United States.

2d. That they shall not sell their prizes, nor in any other manner exchange their ships, merchandises, or any other lading.

3d. That the United States shall not purchase victuals, except such as shall be necessary for their going to the nearest part of the Prince or State which granted the commission.

The cases that have occurred in the course of the present war, in relation to our treaty with France, particularly the seventeenth and twenty-second articles just mentioned, have led to numerous discussions, in which several points have been deliberately settled, either by legislative or executive acts, or by judicial decisions.

The first important executive act was the proclamation of neutrality by the President of the United States.

This was signed on the 4th of April, 1793.

At the next meeting of Congress, on the 3d of December, 1795, the President laid this proclamation before both Houses. The Senate, in their address in answer to the President's speech, thus express their opinion of the proclamation:

"We deem it a measure well-timed and wise; manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it."

The address of the House of Representatives was unanimously agreed to. We read in it this paragraph: "The United States having taken no part in the war which had embraced, in Europe, the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of government, with the preservation of the same; and the restoration of peace, and the promotion of commerce, and the extension of friendship, and the vindication of the rights, and the maintenance of the honor of the United States, have been the objects of the measure which the President has adopted."

The next executive act, noticed by Mr. Adet, is the letter of the 4th of August, 1795, written, by the President's command, by the Secretary of the Treasury, to the collectors of the customs, and accompanied by the rules by which the President had adopted for preventing all armaments in favor of any of the belligerent Powers. These rules were considered as just and necessary deductions from the laws of neutrality, established and received among nations. The letter from the Secretary of the Treasury is explanatory of these rules, and, among other instructions, particularly points the collectors to the seventeenth and twenty-second articles of our treaty with France; lest, by inadvertence, or misconception of them, she might be injured, and her enemies benefited. The letter concludes with an explicit direction to execute them with the utmost anxiety, "because omissions would tend to expose the Government to injuries insinuations and suspicions, and proportionately to commit the good faith and peace of the country."

How could such rules, with such reasons to enforce them, not equal justice?

They were framed and required to be executed with strict impartiality, and, consequently, were to prevent Frenchmen from continuing those agressions on our sovereignty, neutrality, which had been committed under Mr. Genet's orders, and which were calculated to involve us in a war with Britain, Spain, and Holland: for, at that time, these were all combined against France. Frenchmen were to have no other privileges than those secured to them by treaty, (except that they were not forbidden to sail under our prizes in our ports) and our own citizens were to be restrained from committing hostilities under the banners of France, as well as those of other Powers.

The third offensive act was the President's submitting to Congress these measures, and suggesting the expediency of extending our legal code, giving competent jurisdiction to the courts, and providing adequate penalties to prevent or punish violations of the laws of nations.

The next complaint respects the act of Congress passed on the 9th of June, 1794, "for the punishment of certain crimes; and also for the protection of the United States against those to which their attention had been called by the letters of the President of France from the 30th of May, 1794.

Mr. Adet asks, "What was its result?" And gives, himself, the following answer: "In consequence of this law, the greater part of the French privateers have been arrested, as well as their prizes; not upon formal depositions; not upon an established testimony, not upon a necessary body of proofs, but upon the simple information of the counsel of one of the Powers, having with the French republic, frequently upon that of sailors of the enemy Powers, sometimes according to the orders of the Governors, but often upon the demand of the district attorneys, who assert, upon principles avowed by the Government, that their conviction was sufficient to authorize them, without complaint or regular information, to cause the privates to be prosecuted in virtue of the law above mentioned." And "when the
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ministers of the republic have asked for justice of the Government, for the vexations experienced by the privateers, in contempt of the 17th article of the treaty, they have never been able to obtain satisfaction."

Judging only by these declarations of Mr. Adet, a stranger would imagine there had been a combination of the Governments of France and the United States to torment the French privateers, and do them injuries in the way of prize and damages. But our own citizens place a different estimate on this impeachment of their President, their Senators, and Representatives in Congress, their Judges, and other public officers; and an examination of the cases cited by Mr. Adet to support his statement will manifest its fallacy.

First case. The French privateer Sans Pareil and her prize the Perseverance.

On the 26th August, 1794, Mr. Fauchet complained that the prize had been seized on the pretext that the Sans Pareil was armed purpously to prey on commerce. The answer of September 3d, from the Secretary of State, which Mr. Adet censure as " indicative of delay," assured him that the Secretary had urged the Governor of Rhode Island to set the circumstances of the case without delay. On the 27th of December the Secretary informed Mr. Fauchet, that the Governor had decided that the prize should be restored. On the 17th of October Mr. Fauchet renewed his complaint, for on the suit of the claimant the prize had again been arrested. The Secretary referred the claimant to the State authorities. But on the 24th, with information that ought to have satisfied Mr. Fauchet: for, admitting that, agreeably to the law of the 5th of June, 1794, the courts had jurisdiction, and were bound in duty to take cognizance of captures made within the jurisdiction of the United States, or by privateers illegally fitted out in their ports (the right of doing which Mr. Fauchet did not contest) they could not refuse it if the facts of the case, and the circumstances against which the claimant's complaint is being the judgment for cost and damages to which an unjust prosecutor is exposed. The circular letter written on this occasion to the Governors of the States manifests the solicitude of our Government to prevent vexatious suits.


By the copy of the proceedings in the Supreme Court of the United States, in this case, you will see that the court did not, as stated by Mr. Adet, determine that "the tribunals could decide whether a prize belonged to enemies or to neutrals." The question before the court was of the cognizance of a captured vessel and cargo, the former the property of a Swede, and the latter belonging partly to some Swedes, and partly to a citizen of the United States. It was held, therefore, that the Supreme Court, exercised jurisdiction, applied to the case in which one of the claimants was a citizen of the United States. And after solemn argument, the court decided "that the district court of Maryland had jurisdiction, and should accordingly proceed to determine upon this case agreeably to law and right."

I will add only one more remark: That the 17th article, the letter of which we are charged of violating, in substance, is not so much as a penalty as a "delay," as the words are translated: "the time occupied in the examination concerning the lawfulness of such prizes?" and it is the "examination concerning the lawfulness of such prizes" which the article forbids. But no examination of such prizes has been attempted by our Government or tribunalns, unless on clear evidence, or reasonable presumption, that the captures were made in circumstances which amounted to a violation of our sovereignty and territorial rights.

Third case. The French privateer L'Ami de la Point a Petre, Captain William Talbot, and her Dutch prize the Vrouw Christina Magdalena.

To the information contained in the papers collected in this case I have to add, that this cause was finally decided in favor of the American claimant in 1795. The court, unequivocally of opinion that, in the particular circumstances of Talbott's case, notwithstanding his French commission, and his taking an oath of allegiance to the French republic, he continued to be a citizen of the United States. But the cause, as I informed, did not appear to have been decided in accordance with the principle that "claim is to be made either to the States General of the Commonwealth of Liberté, which had been fitted out in the United States, and had no right to claim to the prizes," and in fact Talbot and his crew, taken together as consorts; and in fact it was Ballard's vessel that took the prize; Talbot not coming up till an hour after the capture. Ballard was afterwards tried before the circuit court for piracy.

The court, in its judgment, held that the prize Talbot's vessel was owned by citizens of the United States, to whom the prize money would eventually find its way in case of restitution to the captors.

Ballard and Talbot were both citizens of Virginia. The attempt of the latter to become a French citizen was considered to be fraudulent, being made for the sole purpose of obtaining a commission, under color of which he might plunder the nations with whom the United States were at peace.

An observation ought not to be omitted here, that, although the captors, Talbot and others, had been defeated both in the district and circuit courts, yet they carried the cause up to the supreme court: thus using the legal right of appeal. In the case of the United States v. the brigantines, mentioned in the above article, the subjects of Powers who were enemies to France, has formed a principal subject of Mr. Fauchet's and Mr. Adet's complaints.

4th. Under the head of complaints for vexatious prosecutions, Mr. Adet mentions only two cases in which damages and interest were allowed to the French captors, viz. one of la Nuestra Senora del Carmen, at Rhode Island, and the other of la Princesse des Asturies, at New York. "Yet (says he) the tribunals have always allowed damages from 5 to 25 per cent. on the prizes illegally taken, in the case of facts which will warrant the taking away from the claimant, I am not possessed of documents to determine. I presume it is to be understood in a general sense only, and is not intended to exempt him from every exception. And in this sense there will be no difficulty in admitting the truth of the assertion, and in cases of the legality of the captures, in which the tribunals either decided in favor of the claimant, or allowed damages.

The last decision was confirmed by the Supreme Court, and without damages, insomuch as the testimony was considered to be so ambiguous as to prove nothing.

The same remarks apply to the prize of the privateer General Lecourzus, with this addition, that one of the judges dissented from the opinion of the court, being firmly of opinion that this privateer was covered American property.

The privateer la Parisienne had been registered as an American coasting vessel, under the name of the Hauck. During the embargo, in the spring of 1794, she slipped out of Charleston, and went to Port de Paix; where she was sold to one Biocho, a Frenchman, who armed her and provided her with a commission. Having afterwards arrived at Charleston, and cruised all along the coast of the United States, she was taken by a British privateer, under the pretence of her being a foreign vessel, whilst she was in the legal predicament of a coaster. The district court condemned her; but, on the application of Biocho to have her restored on paying the appraised value, the judge permitted him to take her in a state of warlike possession. Afterwards, the district court awarded two valuable British prizes, the brigantines Cesar and Favorite. On their arrival, the one at Charleston, the other at Savannah, the claimants were convicted of being accessories in the restitution, as having been captured by an illegal prosecutor. The decrees of the courts were in favor of the captors, but without damages. The supreme court disapproved of the restitution of the privateer without dismantling her; but the payment of damages. All the other cases of captures by French privateers, which have been brought up to the supreme court, were decided against the claimants. In none of these cases would not have warranted an award of damages, in others the counsel for the captors omitted to ask for them. When you read the cases cited, you will see that the discretion of the court to grant or refuse them; this discretion being regulated by all the circumstances of each case. Hence, when a party is drawn before the court without good cause and vexatiously, damages are always given; but are denied when there appears a reasonable cause of controversy.
5th. Mr. Adet having briefly noticed several cases by name, seems to reserve those of the Vengeance and the Casius for a full display of unwarrantable conduct in the Government and courts of the United States, and therefore descants on them at some length, but with so many aberrations from the facts, with so many erroneous ideas concerning the jurisprudence, and so many injurious insinuations into the courts and their officers, it will be necessary that you should learn the true history of these cases from authentic documents.

Case of the French Privateer la Vengeance.

For the full history of this privateer and her prize, I must refer you to the documents in the case. The principal facts are thus briefly stated: In August, 1794, the Spanish privateer la Vengeance, having arrived at New York with a valuable Spanish prize called the Princessa de las Astorias. Don Diego Pintado, the owner, commenced a suit for his vessel, on the ground that she had been taken by an illegal privateer. The suit was instituted by Mr. Troop, not wanting, but upon information which was afterwards verified by the oaths of several witnesses. In the progress of the case, it appeared that the witnesses produced on behalf of the captors, for whom a decree was finally given, the clashing ideas, of the judge's opinion, in favor of the captors; but he expressly declared that there was probable cause for the seizure.

Mr. Adet having been pleased to license the court, the district attorney, in his official capacity, of a violation of law on the part of the privateer la Vengeance, in consequence of which a Spanish subject had been injured. Mr. Harrison, upon an inquiry, found at least a probability that the complaint respecting the privateer was true. This probability arose from what he considered as affording the certainty of a violation of law and contrary to the treaties of Commerce between the United States and Spain, and to the progress forbidding the arming of privateers in our ports. The decision of this and of the prize cause depended on the same evidence. The decision being in favor of the captors, Mr. Harrison acquiesced in it as it respected the privateer; and he united, with his associate counsel in the prize cause in advising the like subservience; both the Spanish consuls deemed it his duty to pursue the case to the court in the last resort. This can warrant no complaint: for Mr. Harrison remarks, that perhaps there never were causes in which more contradictory and irreconcilable evidence was offered, and in which the minds of the auditors were more divided as to the real state of facts. The evidence against the privateer was for the most part conclusively proved, but there was no evidence when such exportation was prohibited by law. The evidence which appeared in the other causes gave rise to this prosecution; and upon the trial the judge condemned the privateer. An appeal from this sentence was interposed by the French consuls. The appeal was heard in the circuit court, and upon new evidence the sentence of the district court was reversed.

Mr. Adet complains that, while one suit was pending for the prize, and another against the privateer, the attorney-general should have exhibited a second information against the privateer, on which he was arrested anew, for having excepted himself from the law in violation of the treaty between the United States and Spain; and that this information was filed on the simple declaration of Mr. Giles, the marshal of the court, who, as informer, was to share part of the confiscation. As Mr. Harrison remarks, it was in favor of the privateer that this second information was filed while the first was pending, because it saved time. He had postponed the latter until the first had been decided, there might have been some foundation for a charge of unnecessary delay. Mr. Harrison's state of the case shows that this second information was not made on the declaration of the marshal, but on the evidence that appeared on the examination of the first.

Mr. Adet having been pleased to license the court, the clerk, and marshal, of the district court of New York, I have taken the liberty to transmit to you the other documents in this case, the letters of Mr. Harrison and Mr. Troop. They will answer the double purpose of justifying them, and of vindicating our Government and tribunals.

Mr. Adet particularly notices the papers he had received from St. Domingo, "proving," as he says, "in the most convincing manner, that the Vengeance (la Vengeance) had arrived at Port de Paix without any armament or equipment whatever; that she had been sold, armed and equipped wholly, and commissioned as a privateer, on the territory of the republic. These documents were certificates of the general, the ordonnateur, and of the greater part of the principal officers of St. Domingo, &c. He has also produced a copy of the ordinance of Governor Leveaux, of October 1795, to Mr. Harrison, that these papers were sent to him, and by his answer of October 3d, that he received the same with the most perfect satisfaction. The bill of sale (one of the papers) was produced to the court, in behalf of the claimant of the privateer, but that certificate of General Leveaux could not be considered as evidence in the cause; and if it had been admitted, "the claimant would be very cautious of producing it, on account of its differing from the witnesses."76

6th. Case of the French privateer le Casius.

For the full history of this case, I must also refer you to the documents, and here only present you with a concise statement.

The Casius, under the name of les Juneaux, was fitted and armed for a vessel of war in the port of Philadelphia, in violation of the law of the United States in December. This was ordered to be taken, and the militia of the State of Delaware to intercept her. The attempt was made, and failed—the crew of les Juneaux, which was unexpectedly found to be very numerous, resisted the officers who went on board, manned their cannon, and brought them to bear on the cutter in which the militia (about forty in number) were embarked. Their force being inadequate to the entrance, they were obliged, with an intention to return the attack, to give up the siege. They did so but les Juneaux had sailed and gone to sea. The agent Mr. Guenet, by whom les Juneaux had been fitted out, was tried in the circuit court at Philadelphia, convicted of the offense, and received sentence of fine and imprisonment.

It appears that Mr. Adet succeeded on behalf of Mr. St. Domingo. Samuel B. Davis, a citizen of the United States, took the command of her, with a commission from the French Government. Davis probably sailed from Philadelphia in les Juneaux for the purpose of finally taking the command of her. Her name was now changed to le Casius; and on a cruise welcomed the clashing of the gun, and the cry, "le Casius! le Casius!" was heard by Mr. Ketland, who purchased an interest in her after her sailing. The schooner and her cargo were condemned as prize at St. Domingo. In August, 1795, Captain Davis, commanding le Casius, came with her to Philadelphia. She was immediately known. Mr. Yard, with a view of obtaining an indemnification for the loss of the schooner and her cargo, instituted a suit in the district court, to which the captors were arrested. Soon after, the Supreme Court being in session, Captain Davis's counsel applied for and obtained a prohibition to the district court, to stop its proceeding by which the suits both against him and le Casius were defeated. The prohibition was granted on this principle: that the district court might not deprive the jury of the jurisdiction of France, for adjudication, by French vessels, and all questions incidental to it, belong exclusively to the French tribunals: and consequently that its vessel, of war, and their officers, might not be liable to the process of our courts, predicated upon such capture and subsequent proceeding within the jurisdiction of the French Government. Mr. Ketland having purchased an interest in the vessel, and obtained his commission from the French Government, to obtain information of Mr. Ketland, to be issued from the circuit court, by which le Casius was attached as a vessel armed and equipped as a ship of war in the port of Philadelphia, with intent to cruise and commit hostilities against nations without the formality of a declaration of war. Mr. Adet complained that the process was taken out of the circuit court; because, as he alleged, it had no jurisdiction, and that it would be attended with delay, that court sitting but twice a year; whereas, the district court, in which it was said the prosecution (if at all permitted) should have been commenced, was always open. I consulted gentlemen of legal knowledge on the point of jurisdiction in this case, and they were decided in their opinion that the
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circuit court had jurisdiction, and exclusively of the district court. You will see, also, in Mr. Rawle’s statement of this case, that this opinion was adopted and supported by two gentlemen of eminence at the bar; you will further see, in that statement, that the Government of the United States had no part in originating the controversy; that we prepared the cause for trial, and on a plea calculated to defeat the prosecution. At length, in October term, 1796, the cause was brought to a hearing. In the course of the argument, the question of jurisdiction presented itself. The argument followed the following line: In November, 1797, I had received notice of this event, (on the 19th of October last) I wrote to Mr. Adet, informing him that le Casius remained in the custody of the marshal, but ready to be delivered to his order. To this no answer was returned; but he mentions the matter in the note subjuncted to his notes of the 15th November, intimating that the United States were not answerable, in this case, for a violation of treaties and for the damages the Casius had sustained. Here the affair rests.

In his letter of the 3d of June, 1796, which you will find among the papers, respecting the Casius, Mr. Adet mentioned the affair of the Favorito, which he states as an idea that the Executive might, in like manner, leant against le Casius to cease. But the proceedings in the case of the Favorito were wholly in the hands of the executive officers, who were under the President’s immediate control, and to whom, on evidence satisfactory to the Executive, orders were given to discontinue the process. In this affair of the Favorito, we are not aware that we had anything to do with it, and after this note of the President’s letters that he would cease the process; which is just what the affair of the Favorito was in the court. You will observe, in Mr. Fauchet’s letter of the 23d of September, 1794, a very formidable complaint, in this affair of the Favorito—that it was pretended that a privateer, fitted for a cruise, had deposited arms on board her, and that this pretense was used for visiting and pillaging her: that she was a ship of war of the republic, then serving as a store ship until she could be repaired: that the sovereignty of France was violated, and her flag insulted. Yet, by the letter of John Lamb, Esq. collector of the port of New York, of the 23d of November, 1794, you will see that it, at the time the seizure was made of the suspected vessels, “she being totally dismasted, her crew sent on board other ships of war, and her sails, rigging, and other materials, sold at public auction, she was considered as a holly otherwise, the event would have not taken place.” The collector further declares that the charge of pulling down the national flag, and hoisting another in its place, was groundless.

The cases in question, mentioned by Mr. Adet, in which French privateers and their prizes have been brought under the cognizance of our courts of justice, and first, all, to which an answer can be directed. Had he cited the other cases, which, he says, would fill a volume, we have no doubt there would be found in them, in those which have been mentioned, abundant reason to justify the Government and the tribunals.

Mr. Adams’s arguments are not confined to imputations of injustice experienced by French privateers and their prizes from our courts.

First, he protests against the violation of the 17th article of the treaty, in contempt of which the American tribunals have taken cognizance of the validity of prizes made by French ships of war or privateers, under pretext of the capture of a French ship, or of a part of the cargo, as a violation of the 17th article of the treaty. But his predecessor, Mr. Fauchet,* after saying that our admiralty courts interfered in prize cases, on the ground of “seizure within the jurisdictional line of the United States, or of armament, or augmentation of armament, of the capturing vessels in their ports,” immediately adds, “on this subject, sir, you request me to specify to you a circumstance in which a prize was arrested, which did not constitute a rule that armament, and you take the trouble to establish that they have a right to intervene in every case that can be brought under those heads. In the first place, sir, I never have, at least to my recollection, contested the right of your courts, or of the Government of the United States, to pronounce the title of property, in each and every case, in which there might have been brought into those trials, which do not belong to them.” He then says that he could cite a great number of affairs to which he alludes, but contents himself with mentioning only two. The first is the case of Talbot, of which I have already given some details, and which, with the documents referred to, will show this to have been the case of the last 17th article, of which your citizens, of Marcy, seises, also already mentioned, and which will not justify a complaint; for, although the final decision was in favor of the privateer, yet the sentence of the district court was not reversed in the circuit court, but upon the introduction of the testimony and the supreme court allowed no damages, because the testimony was so ambiguous as to justify the decision.

But quitting the contradictory declarations of the French ministers, and referring you to the letter dated August 16th, 1793, from the Secretary of State to our minister at Paris, (which has been published) for the reasoning of Mr. Adams, I come to their right of violating our laws and the effect of the belligerent powers arming their vessels in our ports, consequently to restore to their proper owners, prizes taken and brought in by vessels so unlawfully armed, or when taken within our line of jurisdiction, I will only add here, that the principle of the rules on this subject, first adopted by the President on the most mature deliberation, and then sanctioned by the 5th of September, 1793, the rules which had influence in the proceedings, in the prize causes in question. If, then, the 17th article of the French treaty has been violated, this, no American citizen will be inclined to believe; and we might suppose, that the consideration of such controversies by the courts of the United States, is not the act of an enemy, of which the Federal Courts, have all deliberately concurred in the violation. Neither the rules adopted by the President, nor the act of Congress, have made a new law respecting such prizes: they have only directed the modes of proceeding to fill our neutral duties, agreeably to the universal law of nations. The judges have applied this law; but not without due attention to the obligations of our treaties, which they regard as supreme laws of the land.

Second, Mr. Adet “protests against the violation of the 17th article of the treaty, in contempt of which, Eng- "lish vessels, which had made prize on Frenchmen, have been admitted into the ports of the United States.” The grounds of this part of the 17th article, for which Mr. Adet, after his predecessor, Mr. Fauchet, contends, is this: That, if a Frenchman, has, a vessel in our ports, which is made prize of a French vessel, such ship of war is to be allowed no shelter or refuge in our ports, unless she is driven in through stress of weather; and then she is to be made to depart as soon as possible. On the contrary, the construc- tion of the rule, as expressed in the letter of the 5th of September, 1793, which had influence in the proceedings, in the prize causes in question. If, then, the 17th article of the French treaty has been violated, this, no American citizen will be inclined to believe; and we might suppose, that the consideration of such controversies by the courts of the United States, is not the act of an enemy, of which the Federal Courts, have all deliberately concurred in the violation. Neither the rules adopted by the President, nor the act of Congress, have made a new law respecting such prizes: they have only directed the modes of proceeding to fill our neutral duties, agreeably to the universal law of nations. The judges have applied this law; but not without due attention to the obligations of our treaties, which they regard as supreme laws of the land.

On the 9th of September, 1793, the Secretary of State thus expressed to the British minister the determination of the President and the government of the United States to admit into our ports:

First, in cases of urgent necessity: Second, in cases of comfort and convenience; and, Third, in the time they choose to continue; and though the admission of prizes and privateers of France is exclusive, yet it is the effect of cause & c.

In support of the construction of the treaty, it has been observed, that “the first part of the seventeenth article relates to French ships of war and privateers entering our ports with their prizes: the second contrasts the situation of the enemies of France, by forbidding such as shall have made prize of the French, intimating, from this construction, that there is a case which is to be distinguished from others. The 17th article, the convention and observances I will add, that, if the literal construction contended for by the French ministers were admitted, then, although the public ships of war which had made prize of French people or property, would be excluded from our ports, yet the prizes of such public ships might be received, and they might be sold too; for the prohibition in the 17th article extends only to French privateers and privateers of the French privateers only...\* Letter of June 8, 1795.  }
{ Secretary of State to Mr. Fauchet, September 7, 1794.}
twentieth article of the treaty applies only to privateers and their prizes; while the Government of the United States judged that the seventeenth article was included in the prohibitions made by France of privateers. If the 20th article, without an express provision for privateers, they would doubtless have been comprehended in one provision with the privateers in the 2nd article: for privateers are thereby excluded, whether they come with or without prizes. But public ships of war are not comprehended, or at all referred to in the twenty-second article; whence the conclusion is fair, that it was not intended to make them liable to the fine or penalty. And it is evident, that the employers of privateers might have induced them only when they would come into our ports with their prizes; this last clause of the same article being in its form opposed to the first clause, which admits the entrance of French ships with their prizes. Besides, if a public ship of war of the enemies of France comes into our ports without any prize, how is it to be known whether she had been employed as a privateer? It is the duty of the people of the United States to examine the particular facts to determine and pronounce on the fact? But if she comes with a prize, the case presents no difficulty; she brings with her the evidence which goes to the exclusion of her and her prize.

I must now advert to some others of Mr. Adet's charges against the Government of the United States.

First. "It is not within the province of the American Congress to apprehend the agents of the rebel and proscribed princes." Is there any thing in this unjustifiable or extraordinary? Was it easy for a nation distant as ours, to obtain promptly such accurate information as would enable it to estimate the varying condition of France? In 1791, the constitution formed by the constituent assembly was accepted by Louis XVI., who was not taken prisoner till the 21st of March. Congress sent a congratulatory address to the King of the French, their congratulations on the occasion. In August, 1792, the King was suspended. In September, royalty was abolished; and in January, 1793, Louis XVI., tried and condemned by the Convention, suffered the penalty of the law. In the midst of all this, what could we do but wait for the public reports, and even then only when we knew that a minister had arrived in the United States. This promptitude in deciding a leading question does not bear any strong marks of hesitation. And was there no merit in this ready determination to acknowledge the French republic? Had it been before acknowledged by any Power on the globe? How long did France hesitate to acknowledge the republic of the United States? After the war had faired within the circle of our American Justice. After the capture of a whole British army appeared to have established our independence. But of this more hereafter. In matters of importance, and what could be more important than the decision of a neutral and allied nation on the annual war or peace of the United States? To refuse to protect all deliberation, even on points which do not obviously present difficulties? Will not prudence dictate to him who is to decide great national questions, rather to deliberate long as to reach the consequences of hasty decisions?

Second. "It made an insidious proclamation of neutrality." I have already remarked that this proclamation received the pointed approbation of Congress; and I might truly add, of the great body of the citizens of the United States. And what was the general object of this proclamation? To preserve us in a state of peace. And have not the ministers of France declared that their Government did not desire war with us? And how was peace to be preserved? It was by the duty of the Chief Executive to inform the citizens of this to our citizens, and to inform them what acts would be deemed departures from their neutrality? This was done by the proclamation. It declared it to be the duty, interest, and disposition, of the United States, to adopt and pursue a conduct friendly and impartial toward the belligerent Powers. The French, in their proclamation, had applied the same principles; they declared that at the same time every citizen should render himself liable to punishment or forfeiture under the law of nations, by committing or abetting hostilities against any of those Powers, or by carrying to any of them articles deemed contraband of war, would receive the protection of the United States against such punishment and forfeitures; and that the President was to have the power to prevent the departure from the United States of those citizens who should violate the laws of war, or who might, by that act, bring the United States into a state of war with any of the Powers, or the King of Tunis, or any of them. To what in all this can the epithet insidious be applied? On the contrary, is not the whole transaction stamped with condor and good faith?

Third. "By its checmieries, it abandoned French privateers to its courts of justice." Abandoned them to its courts of justice! Sir, you know many of the judges personally, and all of them by reputation, and that their characters need no vindication from such an imputation. They are judges with whose administration of justice our own citizens are satisfied; and we believe they may challenge the world to furnish a proof that they have not administered impartial justice. We have no hesitation in saying to the French ministers, formerly published, joined to those now furnished you, with the other documents accompanying them, will show how loudly they can complain of the proceedings in our courts, and at the same time with how much justice.

Fourth. "It eluded the amicable mediation of the republic for the breaking of its chains at Algiers." We did not entertain any doubt of the friendly disposition of the French republic to aid us in this business. What was really done we have never known. You will find, however, Mr. Fauchet's letter of June 4, 1794, and the annexed title of the letter on p. 65, to which I allude. The information on the subject of Mr. Fauchet's letter, in "little from Europe," probably never arrived; at least it was never communicated to our Government. There is surely in the Secretary's answer no evidence that our Government were unwilling to mediate the conclusion of the republic. On the contrary, we have relied upon it to aid our negotiations with the Barbary Powers. Accordingly, when Colonel Humphreys went from hence in 1795, clothed with powers for negotiating peace with those States, he was particularly instructed to solicit the mediation of the French republic; and for that purpose only, he went from Lisbon to Paris, where, through our minister, the committee of public safety manifested a desire to contribute to the amicable conclusion of the late war. The ministers of Mr. Fauchet authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to depute Joseph Donaldson, Esq. (who had been appointed consul of the United States for Tunis and Tripoli, and who went with Colonel Humphreys from America) to negotiate immediately a treaty with Algiers; for, in a country where a negation depended on so many contingencies, it was of the last importance to be ready to mediate. By that means, whatever was the result of the negociation, the United States might be authorized to deputa...
punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to carry away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other waters, or on the shores of the United States, the right of redress, if it would be in effect a violation of that law upon the will of a foreign consul, or on negotiation with diplomatic agents."

The same reasoning will apply to captures made by illegal privateers; that is, by such as were armed and equipped in the ports of the United States; for it being by the law of nations, as well as our constitution, and, as a national enactment, the only provisions intended to prevent the law of nations, and to restrain the acts of such armaments done in violation of its rights and in defiance of its authority. And such were the armaments made by the French People in the ports of the United States. And the most effectual means of defense was to constitute prizes, by not permitting them to proceed; if, indeed, that, in some cases, the irritated subjects or public agents of nations whose property was taken by French privateers, might commence vexatious prosecutions; but this is no more than happens frequently among our own citizens, and in every nation in the world; and the only restraints on the vindictive passions of men, in fact, is the power which the laws are vested in, to punish every violator of the laws by a public prosecutor to pay to the injured party. If, as Mr. Adet asserts, damages have in two cases only been granted by the courts to French privateers, even when the decisions have been in their favor, it has arisen from their own conduct, or the omission of their counsels. But if the maritime circumstances, or the jurisdiction over them of having violated the laws, either by illegally arming in our ports, or making the captures within our jurisdiction. If, on the other hand, they have, in the event of contrary decisions, been always condemned to pay damages, we may venture to say it was because they were always in the wrong.

No one will find sufficient ground to impeach the judgment or integrity of their courts.

Sixth. "It suffered England, by insulting its neutrality, to interrupt its commerce with France."

That our commerce has been interrupted by the armed vessels of England, and sometimes with circumstances of insult, we certainly shall not attempt to deny; the universal resentment and indignation excited by those injuries were the more the reason for being attended to as an object of policy. But to insinuate by the word "suffered") all its acts most forcibly contradicts. It was because of those aggressions that preparations for war were commenced; and to demand satisfaction for them was the leading object of Mr. Jay's mission. It is only the arrangement of the final settlement at London. But if by "suffered," Mr. Adet means that we did not arm, that is, make war on England, to obtain the indemnification, when humanity, and the law of nations, prescribed the mode of previous peacable demand— to these very principles we may appeal for our justification: and if it is necessary to go farther, we say, "It is for you to make war, in what manner and at what time, and under what circumstances, when and what is most proper for us to repel an injury. To deny us this right of judgment is to deny our independence. We have not been insensible either to our honor or our interest. If we have manifested much long suffering, we have not been singular. Neutral nations very commonly endure many temporary evils; because these appear light when compared with the calamities of war: and they look forward, as we have done, to a remit when returning justice may redress their wrongs. This period, we trust, will arrive in regard to those we are now suffering from the French republic. If a nation not bound to us by treaty, and between whom and ourselves actual circumstances and many events have interposed, would interpose in judgment in our favor, it would be considered as a judgment. We may here properly inquire, what could have been the understanding of the parties on this point, when the treaty of 1778 was made between France and the United States. She knew that, notwithstanding the extent of our country, and its rapid increase in population, many years must elapse before we could form a powerful navy to protect our commerce and commerce; particularly as she was acquainted with the maxims and measures of England, towards the commerce of neutral nations, in all her wars with France. And if, knowing these things, France then expected that, in all subsequent wars, we should compel the maritime Powers in general, and Great Britain in particular, to admit our commerce to perfect freedom, then, instead of a treaty and commercial convention, when France, before entering into war, she would have demanded from us a stipulation that, in every future war in which she should be engaged with any other maritime Power, we also should engage in it as her associate. But this is a condition which France was too just to demand, and to which the United States would never have agreed.

Seventh. "Notwithstanding the faith of treaties, it gave an asylum to these same English, who, after having insulted her flag, pillaged her citizens, came also to brave the American people in their ports, and to take a station whence to cruise, on a favorable opportunity, against the French."

The renewal of the complaints of his predecessor, Mr. Faucet, and the vindication of the Government will appear in the answers and communications from the Secretary to State to that minister, in the year 1784, and 1793. The cases particularly noticed were those of the British frigate Topsham and her prize l'Esperance, having herself, and her prize la Proroger. The Thetis, with her French prizes la Prevoyance and la Rambouillet, being in the graces of the 30th of May, 1793. Facts or circumstances as subjects of inquiry, which of course is precluded. That of the Topsham and her prize appears to have been the first case of the kind in which the Executive of the United States and those of the particular States were called into interference; and therefore, it will not be thought extraordinary if the Executive of Virginia was unprepared with arrangements to give instant effect to the stipulation of the 17th article of the treaty of 1778, forbidding an asylum to armed vessels of the enemies of France and their prizes. What delay took place seems to have been the result of accidents, certainly not of design. And by letters from this Department, the executives were earnestly pressed to take the necessary order for prompt execution, in future, of this part of the treaty. But why should the French ministers complain with such energy, that a British ship of war, with her prize, remained in one of our ports, during, perhaps, twenty or forty and twenty days, when, against the requests and orders of the Executive, and in violation of the stipulation of the 17th article of the treaty of 1778, cruised in the coast and enter our harbors, thence, on favorable opportunities, to cruise against their enemies? The Columbia or Carmania, continued her unlawful acts for more than a year.

After all the zealous remonstrances of Mr. Fauchet, now renewed by Mr. Adet, about the captures of the French corvette I'Esperance, and the American frigate Constitution, with her prize l'Esperance, the President of the United States was not so prepared and unprepared with arrangements as imprudent in the captors, but rather seemed to consider the introduction of the prisoners made on that occasion, so amenable to a place where the exchange would be effected, as an act of power, the misfortune of losing the vessel."

The Governor of Virginia went personally to the French consul, at Norfolk, for information concerning this declared violation of the treaty, but "received none which appeared to justify the uneasiness occasioned by that event, chargeing no circumstance as improper in the captors, but rather seemed to consider the introduction of the prisoners made on that occasion, so amenable to a place where the exchange would be effected, as an act of power, the misfortune of losing the vessel."

Letter from the Secretary of State to Mr. Morris, August 16, 1793.
had captured her fifteen leagues from the shore: the weather being very tempestuous, a lieutenant, with a sufficient number of men only to navigate her, (not being half the complement the French had in her) were sent on board from the Resolution and Argonaut, and, so soon as the weather permitted those ships to supply her with water and provisions, I sent her to sea, that I might give her my guard to bring her. I then notified the French Admiral of humanity to the French prisoners, whom, having had a long voyage and many perils, I felt it my duty to rescue them. Mr. Senoford Norfolk as soon as prudence would permit; otherwise they must have been kept prisoners on board, the whole winter, and sent to Halifax in the spring, nor was she equipped or armed then, in any manner whatever nor did the British fleets, throughout the whole month of August, as Genet is learnt to have informed her, which is customary, and absolutely necessary in all captures; otherwise, if retaken by the enemy, he might be considered as a pirate.

Eighth. "It might be said that it appended their (the English) audacity; all submission to their will; it allowed the French ships from the fresh overtures to a commercial negotiation made by Mr. Adet. The first notices of them are found in memoranda of facts dated the 27th and 29th of June, 1793, and subscribed by the Secretary of State. By these it appears that, on the 13th of June Mr. Adet arrived at Philadelphia. On the 15th Mr. Faucet introduced a copy of the tariff of the treaty of commerce, and to declare to the Government and the necessity of their having a representative here disposed to respect the laws and authority of the country, and to do the best for their interest which these would permit; and when it was only an anxious regard for those interests, and a desire that they might not suffer, which induced the Executive, in the mean time, to receive the proposed offer of a commercial connection, on the 29th of June Mr. Adet was reminded of the promised communication. He said it was copying, and gave reason that he should forward it on that day; but on that day nothing was received.

The 22d, Mr. Jefferson wrote an interview, in which he observed that he brought with him the commercial decrees which Mr. Genet had formerly propounded to our Government, and was instructed to negotiate a commercial treaty upon their basis. He was asked whether he had any documents to communicate. He replied that he would send them that night. He said that he had been in receipt of the treaty for Great Britain. He observed that it was understood that the United States had disabled themselves from entering into a new commercial treaty, upon a liberal scale, with France. The Secretary answered that he had determined, before he came, to ask the permission of the President to communicate to him a copy of the treaty; and then he might say in what part he supposed that any impropriety with respect to France
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forebearing, that public opinion was not to be lost, if he would present the designs of his enemies: His Majesty accordingly, therefore, to take into consideration, at length, the interests of the Congress."  

"The commissioners from the United States proposed to the King a treaty of amity and commerce, and an alliance, offensive and defensive, by which His Majesty should engage, not only to acknowledge and to guaranty the independence of the United States, but also to guaranty and defend it by force of arms. The King ordered an armistice to be made, and he could not do other, unless upon the condition that it did not belong to him to acknowledge it, because he had not any right to judge of its; neither could he guaranty it, as he did not intend to enter into a war for its support. His Majesty, in consequence, refused an offensive alliance, and the American commissioners, to prevent a treaty of commerce and a defensive alliance, which was the object of the congress, which was then formed in Paris, and His Majesty, at that time, had formed the design of attacking France. His Majesty thought he ought to enter into an alliance with the United States, eventual and purely defensive. The stipulations in this second treaty are, in substance, that, if France should be attacked by the court of London, before the cessation of hostilities between that court and its allies, the United States and the great powers of Europe shall publicly declare war upon France. That the King should guaranty the independence and sovereignty of the United States; and that he should not lay down his arms till it should be acknowledged by Great Britain.

Thus it is manifest, there was neither to be decrease the number of her enemies by attacking France, in which it would be as truly the interest of France as of the United States to make it a common cause. The last treaty remained secret, because it was not in force at the time of concluding it; but that of commerce was notified at the court of London, March 13, 1778. The first words of the notification are these: the United States of North America, who are in full possession of independence, &c. The whole paragraph has already quoted. The notification further expressed "the King, being determined to protect effectually the lawful commerce of his subjects, and to maintain the dignity of his flag, His Majesty has, in consequence, taken eventual measures, in concert with the United States of North America." The court of London chose to consider this notification as a declaration of war, of which they accuse the King as being the author, and represent him as the violator of laws divine and human, &c &c. "The act, however, which has drawn upon the King such odious imputations, is this, the two following propositions: if the Americans had the public possession of their independence; the second, that the King had the right to look upon this independence as existing, without being obliged to examine the legality of it, and that no forbade him to form connections with the Americans."

The King, therefore, being much scared by the fruitless attempts of the colonies to obtain redress from their mother country, in the mode of supplication, had induced them to league together to maintain their privileges, sword in hand, and soon after published the solemn act whereby they declared independence, saying, "This act, which is of the 4th of July, 1776, issued from the joint committee of London to give way to her resentments; she displayed her power to the world by declaring, that as she had the right and means to exercise it, she would exercise it; But instead of exercising them by force of arms, she refused to exercise them by force of peace. Her subjects were not only instructed in the art of exercising them, but also in the art of not exercising them."

"The act, however, which has drawn so odious imputations upon the King, is this, that he has not only refused to exercise his right of exercising his power, but also that he has refused to exercise his right of not exercising his power, for the purpose of avoiding the necessity of exercising it."

"The act, however, which has drawn such odious imputations upon the King, is this, that he has not only refused to exercise his right of exercising his power, but also that he has refused to exercise his right of not exercising his power, for the purpose of avoiding the necessity of exercising it."

"To the completion of the justification of His Majesty, nothing remains but to examine whether what are called reasons of State could have determined His Majesty to connect himself with the Americans. To treat this question with all the clearness of which it is susceptible, the political interests of France must be viewed under two different relations; the first respects the other Powers of Europe; the second respects Great Britain."  

"In treating with the Americans, after they became independent, the King exercised the right inherent in his sovereignty, with no other view than to put an end to the predominant power which England abused in every quarter of the globe. The Observations then suggest, that by this conduct, the King has essentially watched over the interest of all the sovereigns of Europe, 'by contributing to restrain a power which has always carried to excess the abuse of her resources.'"

The court of London having charged the King of France with ambition, and the project of demolishing the power of England, it will be necessary, as well for the individual interest of France as for that of all Europe, to examine the conduct of the King, it the truth of this view, and the motives which induced Him, and His Majesty's dispositions and without reservations against the enterprises of such a power; so that, the only means of being secured from it, was to seize the opportunity of diminishing it."

"It may then be truly said, that, on examination of the conduct of the King, it was not only just and lawful, but absolutely necessary, as well for the individual interest of France as for that of all Europe."

I will trouble you with but one more extract from the justificatory Observations of the court of France.

"To receive the objections of the court of London, it is necessary to make a dissection of the motives which induced the conduct of the King, the British ministry maintain that he entered into treaty with the Americans, not because he feared the political view of Government, but because he wished to desarree the American states, and to make them contribute to the expenses of their wars; but it was, without doubt, for the sake of this assertion, that the British ministry endeavored to show the King was, in fact, attached to the interests of the United States; because, if it was, it would be an admission of that he was a party to the secret treaty, or at least of that he was in league with the United States; and it would be a manifest admission of that the British ministry had been wrong in asserting that the King was attached to the interests of the United States; it might, with greater truth, be said, that this research did not coincide with their plan of defence. The King is willing to spare the British ministry a task so disagreeable and embarrassing, by observing for them, that the conversations which led to the treaties of the 6th of February, 1778, were considerably posterior to..."
to the capitulation of General Burgoyne. Now, it is notorious that this event elevated the courage and the hopes of the Americans as much as it dejected the British. The repugnance to the proceedings of Congress, after this period, so disastrous to the British, it has not been, and could not have been, for any other reason but because he thought, with the United States, that their independence was henceforward irrecoverable.

In these letters, from the Observations of the court of France; we see an open avowal of her motives for entering into treaties with the United States during our Revolution. But do such motives afford any strong claims to our gratitude? She rejoiced at the prospect of a final separation of the thirteen colonies from Great Britain; she saw them erected, by their solemn Declaration, into independent States; but, during near three years of our contest, she has not only failed to perceive the advantages attending such a separation, but has even treated France as a country in whose interest it would have been for her to promote the British cause. This event took place in the capture of a whole British army. "Then the King listened to the propositions of Congress, because he thought with the United States that their independence was irrecoverable. He then treated with the Americans, as with the preponderant power over which England reigns."

"A diminution of this power, (says the King) the tranquillity and happiness of Europe have, for a long time, required." "The only means of being secured from it, was to seize the opportunity of diminishing it" and he did seize it, "because his safety, the interest of his people, invariable policy, and, above all, the secret prospects the British did not seem capable of the necessary establishment.

After these repeated declarations on the part of France that her only view, in contracting engagements with the United States, was to diminish the British power, and thereby promote the safety and interest of her own people and the tranquillity of Europe, very unexpected, indeed, are the modern claims of boundless and perpetual gratitude. Nevertheless, animadverted, as we always have been, with sincere desires to maintain those useful and friendly connexions with France which had their foundation in our Revolution, we should have remained silent on these claims, had not the frequency and manner in which they have been urged, compelled their discussion. We are not now disposed to question the importance of the gains actually derived from France in the course of our Revolution; nor to retract the grateful acknowledgments that all America has, from that time, offered to that nation; we were in the habit of expressing our gratitude to her for the benefits which we received, although they resulted from her exertions to advance her own interest and secure her own safety. But if those benefits had been rendered from motives not disinterested, if they had been rendered from a combination of considerations more powerful or more unceasing than ours, we should have seen more reason to expect a return.

The British government, indeed, being convinced of the wish of France to diminish the British power, consistently supported the American claims; and the British minister, in his instructions to Lord Dartmouth, declares, "It would be more for the interest of Great Britain, as well as of France, that there should be a separation of the United States from the British dominions."

After all these representations, and the previous knowledge which the French government has acknowledged, and the conduct of France, we should have been the more surprised at the surprise which we have heard to expect from the British minister. We have been told, that "the independence of the United States is nowhere elaborated. Agreeably to their instructions from Congress, to take advice of the court of France, the commissioners communicated Mr. Oswald's declarations of an intention to come to terms." The Court of France, we are informed, were convinced that "France was sufficiently that it was such a one as we might have expected it would be: "that an acknowledgment of our independence, instead of preceding, must, in the natural course of things, be the effect of the treaty." This opinion the count continued, from time to time, to repeat. In short, "it was evident the count did not wish to see our independence acknowledged by Britain until the representatives he had made all its uses of." Mr. Jay still remained unmoved. He conferred with Mr. Oswald, and "urged, in the strongest terms, the great improvidence and consequently the utter impossibility of our ever treating with Great Britain on any other than an equal footing" and told him plainly that he (Mr. Jay) would have no concern in any negotiation in which we were not considered as an independent power.

It was on this occasion that Mr. Oswald communicated to Mr. Jay this article of his instructions: "In case you find the American commissioners are not at liberty to treat on any terms short of independence, you are to declare to them, to the full of our abilities, and peace disposing us to purchase it at the price of acceding to the complete independence of the Thirteen Colonies.

The British ministry approved of this communication; but still were for treating with us as colonies, and making an acknowledgment of our independence only on articles of the treaty. Mr. Jay's discernment discovered the source complained of. Mr. Oswald, by dismissing himself or with our minister, of the British court, let out our independence was to the negotiation of the treaty; and mentioned it, with his reasons, to Mr. Oswald; who, far from contradicting Mr. Jay's inference, told him a fact which confirmed that opinion that it originated in the court of France, and was communicated to that of London, then in Paris, to treat of peace between France and Great Britain. Mr. Jay then explained to Mr. Oswald what he supposed to be the real policy of the French court, and showed him that it was the interest of Britain to render us as independent on France as we were resolved to be on Britain." Mr. Oswald was convinced. Mr. Jay reminded him of the several resolutions of Congress, passed at different periods, not to treat with British commissioners on any other footing than that of absolute independence; and proposed to give to him in writing what he had before expressed in conversation—his determination not to treat but on the footing of equality. Mr. Oswald preferred having it in writing. Mr. Jay prepared the draught of a letter, to be signed by him and Doctor Franklin, expressing their determination not to treat but on terms of equality, as an independent people, and that their president, the count de Vergennes. Mr. Oswald, who had already been a party to the negotiation, and, therefore, rather imprudent: for that, in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace, after such a decided and preposterous refusal, and besides, the Doctor seemed much struck by the instructions from Congress, to be guided by the advice of the French court. Neither of these considerations affected Mr. Jay: for, as to the first, he could not conceive of any event which would render it proper, and therefore possible for America to treat in any other character than as an independent nation. And, as to the second, he could not believe that Congress intended they should make an acknowledgment of independence, but falsely believing that we had firmly resolved not to treat on more humble terms.

With the copy of this draught Mr. Jay gave Mr. Oswald copies of the various resolutions of Congress which enforced their adherence to their independence. These papers Mr. Oswald sent by express to London, and warmly recommended a new commission, to meet, after all other delay."
Mr. Jay having afterwards ascertained that the Count de Vergennes had sent a confidential agent to London, but whose journey was intended to have been a secret, for purposes evidently hostile to the interests of the United States, determined immediately to counteract the project, by an agent on whom he could rely, to make to the court of London such representations as he thought the occasion demanded. He succeeded in and in about two weeks, Mr. Oswalt, was sent to France, for which the United States, agreed to the declaration of independence, the United States, as free and independent, had full power to levy war, conclude peace, contract alliances, &c. That, by the act of confederation, the style of the confederation was declared to be, the United States of America, and by that act Congress were vested with the sole power of declaring war, and the raising and regulating the Army, and the determining the form of the government. Mr. Jay remarked, that, being right and in fact free and independent States, their Representatives in Congress granted a commission to certain gentlemen, of whom Dr. Franklin and he were two, in their name to confer, treat, and conclude, with any powers of the United States, in their capacity, as the United States. The business with which the complection, at the same time Congress manifested their readiness to attend to such terms of peace as might consist with the honor of independent nations but the honor of an independent nation forbade their treating in an underhand capacity. Even the distant relations, with whom we were treated as an independent nation, required that we should not degrade ourselves when going to treat with their enemy. And why, then, should her ministers desire us to do it? Especially when the treaty of defensive alliance declared the "essential and direct end of it was to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the United States of America, from all foreign combinations and confederations, by whatever name called. And, to enable the United States, and the United States, engaged not to lay down their arms until the independence of the United States should be attained. The explicit acknowledgment of their independence by Great Britain would show that, for the essential and direct object of the defensive alliance was to enable the United States to support themselves, they had nothing to fear, or anything to lose, but certain security to numerical equality of forces; and if this was an essential condition of peace, it must have been a condition which whose sake we were not bound to postpone the offered peace. We have seen the explicit avowal of the King of France, that he entered into a treaty with the United States with the view to promote the safety and interest of his king and country, and our mutual relations with them and the United States. It was clear that, in the opinion of Great Britain, it became apparent that there would be no objection to our dependence on France, particularly in "leaving the King master of the terms of the treaty of peace." And to keep us thus far dependent, was manifestly the object of certain measures of the French court, calculated to deprive the United States of an immense western territory, of the navigation of the Mississippi, and of the fisheries, except on our own coast. A combination of facts and circumstances leaves no doubt of the intentions of the French court, as to the objects above mentioned. I cannot undertake the lengthy detail, and will only just mention, in regard to territory, what was proposed by the French minister and one whose interest in the Mississippi would have induced him to promote, his own sentiments, or that he was not acting by the direction of the French court. He proposed what he called a conciliatory line between the United States and Spain. This was to begin at the division of East from West Florida, and run thence to Fort Toulouse on the river Alabama, thence by different courses to Cumberland river, and down that course to the sea. It was not to be a circle of navigation, but a line which the United States could turn to, or not turn to, as they thought fit, and which the Spanish commerce might be brought into, without their consent, and the navigation of the United States must be forever suspended, because they would soon acquire a strength which it was probable they would be eager to abuse. "The same Machiavellian principle influenced the operations of the war for independence: the same duplicity reigned over the negotiations for peace. We see, then, that, in forming connexion with us in 1779, the court of France, the actual organ of the nation, had no regard to the interest of the United States but that their real object was, by seizing the occasion of dismembering the British empire, to diminish the power of a formidable rival and that, when, after we had carried on a distressing war for seven years, the great object for which we had contended, independence, was within our reach, that court endeavored to postpone the acknowledgment of it by Great Britain, and eventually to deprive us of its finest fruits—a just extent of territory, the navigation of the Mississippi, and the fisheries. Such being the motives and conduct of France, what inspir'd us with truly patriotic sentiments towards that nation? They inspired us with no less warm friendship for Americans to Frenchmen. We were engaged in a common cause against Great Britain. We received losses we were aided by troops and ships in attacking and conquering the common enemy, in the bosom of our country; and this association in war produced acquainances and per- sons of friendship. Perceiving these benefits, we gave way to our feelings, without inquiring into the motives from which they were rendered.

But why are we so often reminded of the debt of gratitude? Is it really because more than gratitude, because compensation is expected to cancel it? If compensation is the object, the treaty of alliance has solved the claim. It is the only means by which the contracting parties discharge that, being resolved to fulfill, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no offer of claim of compensation, on one side or the other, whatever may be the event of the war." What are we to notice as charge and accusation? Mr. Jay alleged, that we have not offered to France the succors which friendship might have given, without compromising the Government. If Mr. Aedt had specified the kind of succors which might thus have been offered, we could better judge of the correctness of his assertion. But why is it we are so often reminded of the debt of gratitude? Is it really because more than gratitude, because compensation is expected to cancel it? If compensation is the object, the treaty of alliance has solved the claim. It is the only means by which the contracting parties discharge that, being resolved to fulfill, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no offer of claim of compensation, on one side or the other, whatever may be the event of the war." What are we to notice as charge and accusation? Mr. Jay alleged, that we have not offered to France the succors which friendship might have given, without compromising the Government. If Mr. Aedt had specified the kind of succors which might thus have been offered, we could better judge of the correctness of his assertion. But why is it we are so often reminded of the debt of gratitude? Is it really because more than gratitude, because compensation is expected to cancel it? If compensation is the object, the treaty of alliance has solved the claim. It is the only means by which the contracting parties discharge that, being resolved to fulfill, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no offer of claim of compensation, on one side or the other, whatever may be the event of the war." What are we to notice as charge and accusation? Mr. Jay alleged, that we have not offered to France the succors which friendship might have given, without compromising the Government. If Mr. Aedt had specified the kind of succors which might thus have been offered, we could better judge of the correctness of his assertion. But why is it we are so often reminded of the debt of gratitude? Is it really because more than gratitude, because compensation is expected to cancel it? If compensation is the object, the treaty of alliance has solved the claim. It is the only means by which the contracting parties discharge that, being resolved to fulfill, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no offer of claim of compensation, on one side or the other, whatever may be the event of the war." What are we to notice as charge and accusation? Mr. Jay alleged, that we have not offered to France the succors which friendship might have given, without compromising the Government.
FRANCE.

[Text from the 18th century document discussing the War of American Independence and the relationship between France and the United States, including references to the role of France in the Revolutionary War, the Treaty of Alliance, and the involvement of French vessels in American waters.]

FRANCE.

1797.

[Translation or summary of the text provided, focusing on key points about the relationship between France and the United States during this period, including the role of French vessels in American waters and the implications of the French war of Independence.]
FOREIGN RELATIONS.

prosecute them? Never." Yet the very letter from Mr. Genet to the Secretary of State, in which, and its enclosures, Mr. Adet has found this subject of complaint, suggests a different conclusion: "I learn, with pleasure, (says Mr. Genet) by your letter, of the 23d of this month, [June, 1793,] that the government of Georgia has caused to be stopped a vessel armed in that State, for the purpose of cruizing against the French, and that the persons in her are to be presumed to be French subjects." I shall say but a few words on the subject of the letters of which Mr. Adet complained that they remained unanswered. The first (of September 28, 1793) contained those reproachful insinuations which were recited in my letter of the 1st of November last. Why were these introduced? I believe they were not to be interpreted to mean nothing; but an answer was expected, since the French ministers had promised to avoid irritations; the answer was not sent. It was deemed of the less consequence, seeing, in my letter to Mr. Monroe, of the 13th of September, 1793, the sentiments and reasoning of the Government, on that and other subjects relating to France. But the French (sensibly and fairly) expected an answer. Mr. Adet, the French Consul himself, and it was hoped that the information given in that letter, and in others written to him the preceding summer, would have furnished materials (and that these materials would have been timely used) for such representations as would have satisfied the French Government that the United States, in forming the treaty with Great Britain, had not engaged in any indirect way; and neither by that treaty, nor any other act, had infringed a single article of our treaties with France.

On the subject of the impresses of our seamen, mentioned in Mr. Adet's letters of March and April, 1796, I shall only add, that nothing was more noticeably than that there were frequent cases of impress. The French had the same right as the British to impress American seamen, and the United States had no power to interfere, except in the case of consular officers, or the United States had a right, which was granted to them by the treaty, to demand removal from our British Consuls. The first, in Mr. Pinckney's note to Lord Grenville, in August, 1793, which was published here that year in the same collection of State papers with Mr. Jefferson's letter of September 7th,* which Mr. Adet has quoted, and on the fifth page next succeeding it, we find, the following: "Under this head, it may be observed, that for want of arrangements being made for the security of American seamen in the ports of this country, (England) they are subject to the various hardships Mr. Pinckney has so frequently detailed to Lord Grenville." And, in the next page, in his letter to Mr. Jefferson, Mr. Pinckney says: "the protection afforded our seamen remains also on the same footing: they (this country) propose nothing to secure them from impress, but the proof they will not dispense with." To remove, as far as possible, the embarrassments arising from this cause, and more effectually to protect our seamen, was the object of a bill pending in Congress, and the subject of public debate at the time I received Mr. Adet's letter by the post. Consequently the Convention of 1795 was determined that the Government did not assent, but, on the contrary, that they resisted the impressment of American seamen: and this resistance has been continued; consequently we cannot be charged on this ground with a violation of our neutrality.

As to the effects of contraband, now not renewed by Mr. Adet, is that against the Government for permitting the purchase and exportation of horses, by British agents, in the course of the last winter and spring. The correspondence on this subject is lengthy, and yet the question lies within a very narrow compass.

Perhaps no rule is now better established than that nations which have a right to trade freely with nations at war have also a right to the use of their commerce, and selling to them all kinds of merchandise, or permitting them to exchange those same commodities in the neutral territory; in the latter case, not refusing to one Power at what it permits another to purchase; with this exception in respect to articles contraband, that, if the crossing of one of the belligerent Powers meet at sea within neutral territory, laden with such commodities as are destined to the ports of their enemies, the neutral vessel may be captured, and the contraband goods will be lawful prize to the captors; but the residue of their cargo, and the vessels themselves, are to be discharged.

But, if there were any doubt on this point, under the law of nations, there can be none in relation to France and the United States; for this is the only rule which specially regards the uncertainty of the laws of 1793 from restraining the trade of either party remaining neutral, while the other is engaged in war, provides regulations agreeably to which it should be conducted.

The 12th and 13th articles authorize either party that is at war, to stop the neutral merchant vessels of the other destined to the ports of an enemy, on reasonable grounds of suspicion, concerning the voyage or the laden. If, on examining the ship's papers, it appears there are any contraband goods on board, "consigned for a port under the obedience of his enemies," she may be carried into port, and the contraband articles may, by regular proceedings in the admiralty, be confiscated: "saving, always, as well the ship itself as any other goods found therein, which, by the nature of the articles, shall be deemed free; neither may they be detained on pretence of their being, as it were, infected by the prohibited goods, much less shall they be confiscated as lawful prize." It further provides that, if the master of the neutral ship shall be willing to deliver the contraband goods to the captor, and the latter receives them, then the contraband goods are to be returned to the neutral ship, and both shall be discharged. But, if not willing; further: if the neutral ship shall have on board the enemies of the other, "they are not to be taken out unless they are soldiers in actual service.

These articles are so explicit, it may seem strange that a doubt should arise concerning them. I presume no one doubts that if the French, adhering to the preceding provisions of the treaty, demanded that the Government should stop the exportation of horses by the British, upon the principle that it was a neutral duty required by the law of nations, an answer was given to his demands, in which the regulations of our treaty with France were particularly brought into view, as well as the impossibility of stopping them. Mr. Adet, however, after some time, renewed his claims again kept the contrary point of sight. An answer was given to these renewed claims; and we heard no more on the subject until the French privateers in the West Indies began to capture American vessels which had board; we find among the documents on this subject the copy of a decree of the citizens Victor Hugues and Lobas, the special agents of the executive department in the Windward Islands, collecting an American vessel and her entire cargo, for having a small number of horses on board—not bound to their enemy's but to a neutral port. And these special agents grounded their decree on the advice they received from Mr. Adet, under the date of 14th Messidor, being July 31, 1796, that the British had put a price on the French horses, and the master had them in his pocket, and would have brought them home, but, for the re-"
And by the maritime law of France,* prizes, except they are taken from her enemies, can stay in her ports no more than twenty-four hours, unless compelled by tempest to remain longer; and the sales of such prizes are forbidden, under severe penalties. But, notwithstanding the certainty of our right to forbid the sales of prizes in our ports, we are withholding the express legal command of the chief justice of the United States. He has refused to act in behalf of the United States, and the British agents, on the 31st of May last, have sold the prize vessel, and the sale received the formal sanction of the French consuls. Yet, even this affair has been made a subject of complaint by Mr. Aete, because the decision of that port refused a clearance to the vessel, the agent of the United States, and because he also delayed until a new case, he should get advice to permit the exportation of the cargo of the prize ship, which, on a survey, had been reported to be irreparable.

The French minister has discovered an aptitude to complain. I may cite, as instances, his letters of the 9th January and 3d of March, 1796; the former, because the colors of France, which he had presented to the United States, were not permanently fixed and displayed before Congress; the latter, because some prints of almanacs or other periodical publications in the United States, in arranging the names of the foreign ministers and agents residing in the ports, have placed in defiance of the authority of the United States, and because he also delayed until a new case, he should get advice to permit the exportation of the cargo of the prize ship, which, on a survey, had been reported to be irreparable.

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FRANCE.

"WM.


"I have considered the 12th article of the convention between his late Most Christian Majesty and the United States of America, and also the act of Congress concerning consuls and vice consuls, as far as it prescribes the duty of marshals of the United States; and I am my opinion that the marshals are not bound by law to execute any sentence of a French consuls, arising under the said article.

"RICHARD HARRISON,

Attorney United States for the New York district.

"PHILADELPHIA, March 14, 1794.

"I have considered the convention and act above referred to, and I perfectly coincide in the opinion given by the attorney of the United States for the district of New York.

"W. M. BRADFORD.

The other complaint under this head is, that the judges who are charged (by an act of Congress) to issue warrants of arrest against deserters from French vessels, have required the original ship's logs, to prove that the offenders alleged to have deserted were a part of the crew, in the contempt of the 5th article, which admits in the tribunals of both countries, copies certified by the consuls.

If we look at the 9th article of the consular treaty, we shall see that the consuls who demand the arrests of deserters from vessels of their nation, must prove, by an exhibition of the registers of the vessel, or ship's roll, that
those men were a part of the crew." It is apparent that the original roll, and not a copy, is here referred to; nor, indeed, is the contrary pretended; but it is said that the 5th article admits certified consular copies, as evidence in the courts of both nations. But the 5th article appears to have no relation to the subject of the 9th. It stipulates that the consuls shall respectively have the exclusive right of receiving in their consulates, from the captains and owners of vessels, the declarations, as they may consider necessary, of the masters and owners of vessels, heathen merchants of their nation, who may choose to make there, even their testaments and other disposals by last will; and the copies of the said acts, duly authenticated by the said consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would have done, without an act of Congress (or a warrant therefor) as a vessel. But the 5th article requires the evidence of a private agreement between the captain of a vessel and his crew; and when he alleges that any of them have deserted, the 9th article requires this original evidence of the fact to be produced to the judge, as the ground on which he shall issue his warrant to arrest them. And this is the construction put on this article by the judges; and, for want I know, without any diversity of opinion. The difference alleged by Mr. Fauchet in one of his letters to the Secretary of State, I have inquired into; and, find he was under a mistake. And the mistake, probably, from this circumstance, that when, from the information of the consul, there was danger that the deserter would escape, unless instantly apprehended, the judge hastily issued his warrant to arrest, and bring before him the alleged deserter: but, when brought, that judge has not committed the man, or delivered him to the consul, unless the original roll was produced, to prove him one of the ship's crew.

As to the outrage against Mr. Fauchet by the Africa man of war, in attempting to seize him and his papers, with the order of desertion and the Captain's commissions, and the Captain's warrant was given for the ship's papers, measures more efficacious could have been taken by the Executive than those which were adopted, to obtain satisfaction. After waiting a reasonable time for explanations on the part of Captain Home, and of Mr. Moore, the English vice consul, and receiving none, the President revoked the exequatur of the vice consul, and desired the Governor of Rhode Island, where the ship had been, to arrest the Captain Home and demand the demand of the President that he should immediately remove from a station within the jurisdiction of the United States, where he had violated their rights; and further, to make known to him that, in forty-eight hours after the requisition should be received, he would be expelled. Him, all intercourse with the citizen of France and the ship's crew, who the President has that he should immediately remove from a station within the jurisdiction of the United States, where he has violated their rights; and further, to make known to him that, in forty-eight hours after the requisition should be received, he would be expelled.

It is very true, the reverse of the British vice consul, was withdrawn expressly for his knowingly transmitting to the Governor of Rhode Island a most insulting letter from Captain Home; because, although he was on board the Africa when the attempt was made against Mr. Fauchet, the President had no evidence of his co-operation in the affair; and, although Mr. Fauchet, the President, was directed to remove from a station within the jurisdiction of the United States, where he had violated their rights; and further, to make known to him that, in forty-eight hours after the requisition should be received, he would be expelled.

Although the subject of M. de la Croix's third and last complaint (the British treaty) has been already discussed, allow me here to make a few remarks. He says "it will be easy to prove that the King and his ministers, under the pretense of this treaty, have knowingly and evidently sacrificed their connexion with the republic, and the most essential and least contested prerogatives of neutrality." The reverse of what the minister considers so easy to prove, we think has been demonstrated. Our legally binding connexion with France we always considered as being formed by our treaty, and we say there is nothing in our treaty which we have not "equally" violated; and if individuals have at any time infringed them, the Government has been sincere and diligent in its endeavors to redress the wrong. If the ties of affection, of warm enthusiastic friendship, have been weakened, the cause is to be sought for not in the acts of the American Government, which have been constantly directed to the preservation of our constitution; and the ties of interest between France and the United States are stronger than ever. They are interwoven in our Revolution, and our partiality for the cause of liberty and self government, for which she engaged in her own, which made us endure numerous injuries, almost without complaining. We were not willing to ascribe to the republic the outrages of her ministers against the laws, the sovereignty, and the dignity of the United States, or the exceptionable style of their communications. Even when, for such flagrant aggressions, often repeated, we desired the recall of one of her ministers, it was only in the most soothing language; and in the mean time, lest the interest of the republic should suffer, he was permitted to exercise his functions in all cases in which those interests could be affected. When his successor arrived, he officially requested that the officer whose work might be apprehended, that he might be sent to France: but the Government, satisfied by his removal, declined the measure. Some irritations were experienced from that successor. What sensations have been produced by Mr. Adet's notes, your own feelings, on the perusal, will enable you to judge. If he intended to excite the general indignation of our citizens, he is not disappointed: but it is presumed he has not the object. After an exhibition of complaints in a style so exceptionable, he could add but one more improper act, that of publishing his notes in the newspapers: he had scarcely transmitted them to the Executive, before he forwarded them to the printer for publication.

From the last statement we may appear to have been as much concerned as the Minister of the United States to violate our treaty, or weaken our engagements with France: that whatever resistance it has opposed to the measures of her agents, the maintenance of the laws and sovereignty of the United States, and their neutral obligations, have rendered indispensable. That it has never acquiesced in any acts violating our rights or interfering with the advantages stipulated to France, but, on the contrary, has opposed them by all the means in its power: that it has withheld no succors from France that were compatible with the duties of neutrality to grant that as well by their independent political rights as by the express provisions of the commercial treaty with France, the United States were at full liberty to enter into commercial treaties with any other nation, and consequently, with Great Britain: that no facts, manifesting a partiality to that country, have been, and I add that none such can be, produced.

Of the propriety and justness of these conclusions, you will endeavor to satisfy the French Government; and, complying with the desire of one of our correspondents' days, during the last week, that you communicate the most sanguine expectations that they will be satisfied. We even hope that this has been already accomplished, and that you will be saved from the pain of renewing a discussion which the Government has entered upon with regret. Your mission and instructions prove its solicitude to have prevented this necessity, and the sincerity of your instructions; and the probability of your success in laying before the French Government complaints, by showing that they are groundless; to restore confidence, so unfortunately and injuriously impaired; to explain the relative interests of both countries, and the real sentiments of your own have been attended with success. And, as a consequence thereof, we rely on the repeal of the decrees and orders which expose our commerce to indefinite injuries, which militate with the obligations of treaties, and our rights as a neutral nation.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 1.

Mr. Adet, Minister Plenipotentiary of the French republic, to Mr. Pickering, Secretary of State.

LOCATION AT PHILADELPHIA.

The undersigned, minister plenipotentiary of the French republic, in conformity to the orders of his Government, has the honor of transmitting to the Secretary of State of the United States, a resolution taken by the executive directory of the French republic, on the 14th Messidor, 4th year, [July 2, 1796] relative to the conduct which the ships of war of the republic are to hold towards neutral vessels. The flag of the republic will treat the flag of neutrals in the same manner as they shall suffer it to be treated by the English.
The sentiments which the American Government have manifested to the undersigned minister plenipotentiary, do further permit him to light, this measure, as far as it may concern the United States, and that they will also feel that it is dictated by imperative circumstances, Great Britain, during the war she has carried on against the republic, has not ceased using every means in her power to add to that scourge, scourges still more terrible: she has used the well known liberty of the French nation to the detriment of that nation, and France, in the observance of her treaty knowing that it was a principle of the republic to respect the flags of all nations, and that it was the beginning of the war, has caused neutral vessels, and in particular American vessels, to be detained; taken upon themselves the public property of the United States, could find only a real distinction articles of property to be respected as American property, English property found on board American vessels. They had a right, under this consideration, the reputation of America, the property on board neutral vessels, declaring, at the same time, that the measure should cease when the English general order. But the said rescript to the several powers, which had excepted, on the 33d of the same month, the Americans from the operation of this general order. The measure I have just spoken of, the English did not abandon the plan they had formed, and continued to stop and carry the ports all American vessels bound to French ports, or returning from them.

The undersigned minister plenipotentiary perceives it his duty to remark to the Secretary of State, that the undersigned minister plenipotentiary expresses his intention to officers of the republic have nothing to fear as to the treatment of their flag by the French, and that, if they are subjected to the bolder of neutrality, they cause the rights of that neutrality to be respected by the English, the republic will respect them. But if, in the cases of the British war Powers, these advantages, or motives, they should suffer the English to stop, turn it to their advantage, and turn it to the French, acting in the same manner as the English?

The undersigned minister plenipotentiary embraces this opportunity of reiterating to the Secretary of State the assurance of his esteem and inform him, at the same time, that he will cause this note to be printed, in order to publicly known the motives which, at the present juncture, influence his Government.

Done at Philadelphia, 6th Brumaire, 5th year of the French Republic, one and indivisible.

P. A. ADET.

No. 9.

Extract from the Register of the Ministers of the 4th Directory, 4th year of the French Republic, one and indivisible.

The executive directory, considering that, if it becomes the faith of the French nation to respect treaties or conventions which secure to the flags of some neutral or friendly Powers, commercial advantages, the result of which, either through the weakness of our Powers, those, or, through fear, through interested views, or through whatever motives, would, in fact, warrant the inexcusation of the article in which they were stipulated, decrees as follows:

All neutral or allied Powers shall, without delay, be notified that the flag of the French republic will treat neutral vessels, either as to confiscation, as to searches, or capture, in the same manner as they shall suffer the English to treat them.

The Minister of Foreign Relations is charged with the execution of the present resoleut, which shall not be printed.

A true copy. By the Executive Directory. The Secretary General, True copy. The Minister of Foreign Affairs,

CARNOT, President.
LAGARDE.
CH. DELACROIX.

True copy. The Minister Plenipotentiary of the French republic near the United States of America.

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P. A. ADET.
SIR:

I have the honor to acknowledge the receipt of your note of the 27th ultimo, covering a decree of the executive directory of the French republic, concerning the commerce of neutral nations.

It is stated in this decree that no restrictions are to be imposed by the French government on the trade of neutral nations, and that no decrees of every kind, whether of a public or private nature, are to be promulgated which would be inconsistent with the rights secured to them by the law of nations, and others, between which the French republican treaties have imposed special obligations. Where no treaties exist, the republic, by seizing and confiscating the property of their enemies found on board neutral vessels, would only exercise an acknowledged right under the law of nations. If, towards such neutral nations, the French Directory should give a new form to the French citizen, it would not be perfectly gratuitous. The United States, by virtue of their treaty of commerce with France, stand on different ground.

In the year 1778, France voluntarily entered into a commercial treaty with us, on principles of perfect reciprocity, and expressly stipulating that "free ships should make free goods;" that is, if France should be at war with any nation with whom the United States should be at peace, the property of their citizens, whether on board neutral vessels (soldiers in actual service excepted) found on board the vessels of the United States, were to be free from capture. That, on the other hand, if the United States should engage in war with any nation, while France remained at peace, then the goods (except contraband) and persons of enemies of France, without subjecting them to capture. This is plainly expressed in the twenty-third article of that treaty, and demonstrates that the reciprocity thereby stipulated was to operate at different periods; that is, at one time in favor of one of the contracting parties, and at the other at times. At the present time, the United States being at peace, they possess by the treaty the right of carrying the goods of neutrals of France, without subjecting them to capture. But what do the spirit of the decree of the executive directory and the current of your observations require? That the United States should now gratuitously renounce this right. And what reason is assigned for denying us the enjoyment of this right? Your own words furnish the answer.

"France adopts the same principles of the religion of wisdom, to the end that all nations could enter into a firm and lasting union, founded on reciprocal rights, which caused to be respected, as American property. English property found on board American vessels." This requisition, and the reason assigned to support it, alike excite surprise. The American Government, sir, conscious of the dignity of its intentions, of its impartial observance of the law of nations, and the regard to treaties, cannot, for a moment, admit, that it has forfeited the right to claim a reciprocal observance of stipulations, on the part of the French republic, whose friendship, moreover, it has ever cultivated with perfect sincerity. This right, formerly infringed by a decree of the National Convention, was recognized anew by the repeal of that decree. Why insist, sir, on the principle of a public jure beli, and not let the United States decide for themselves the rules of commerce by the British Government? On the contrary, we possess recent official information that no new orders have been issued. The captures made by the British, of American vessels having French property on board, are warranted by the law of nations. The force and operation of this law was contemplated by France and the United States when they formed their treaty of commerce. If our Government should determine, for the sake of preserving harmony, silence was preferred to a comment upon these insinuations.

You are also pleased to refer to your letters of March and April last, relative to impressment of American seamen by British Vessels, and the action the United States have taken in regard to that subject. This is perfectly known to you, and we have taken to obtain satisfaction. This, sir, was a matter which concerned only that Government. As an independent nation, we were not bound to render an account to any other, of the measures we deemed proper for the protection of our own citizens, so long as there was not the slightest ground to suspect that the Government ever acquiesced in any aggression. But permit me to recite to the subject of the decree of the executive directory. As before observed, we are officially informed that the British Government have issued no new orders for capturing the vessels of the United States. We are also officially informed that, on the appearance of the notification of that decree, the minister of the United States at Paris applied for information, "whether orders were issued for the seizure of neutral vessels, and was informed that no such order was issued; and further, that none such would be issued in case the British did not seize our vessels." This communication from the minister of the United States at Paris, to their minister in London, was dated the 25th of August. But the decree of the directory bears date the 14th Messor, answering to the second of July. These circumstances, together with some observations in your note, leave the American Government in a state of uncertainty as to the real intentions of the Government of France. Allow me, then, to ask, whether the British Government have assigned a state of neutrality to the recent British decrees, and any new restrictions on the part of the French republic? Whether the restrictions now exercised by the British Government are considered as a nature to justify a denial of those rights which are pledged to us by our treaty with your nation? Whether orders have been actually given to the ships of war and privateers of the French republic, to capture vessels of the United States, or have the British Government imposed any new restrictions on their United States? These questions, sir, you will see are highly interesting to the United States. It is with extreme concern that the Government finds itself reduced to the necessity of asking an explanation of this nature. And if it shall be informed that a new line of conduct is to be adopted towards the United States, on the part of the French republic, it shall be impossible for the United States to accept such a change of treaty, if the spirit, or the precise terms of these orders, are not published to the public.

I shall close this letter by one remark on the singularity of your causing the publication of your note. As it concerned the United States, it was properly addressed to its Government, to which alone pertained the right of communicating it, in such time and manner as it should think fit, to the citizens of the United States.

I am, sir, with great respect, &c.

TIMOTHY PICKERING.
The Minister Plenipotentiary of the French republic, Mr. to Pickering, Secretary of State of the United States.

Philadelphia, 13 Brumaire, (3d November, 1796, 0. S.)

No. 4.

Sir: I hasten to acknowledge the receipt of your letter dated 1st November, which was delivered to me last night, and which I find this morning in the newspapers.

I shall have the honor in a few days of furnishing you with more ample information upon the object of which it treats, and I shall feel permitted to add that the article of the executive directors, in which I had the honor to notify you, bears no mark of similitude with the supposed order in question in the letter from Mr. Monroe to Mr. Rufus King, which you cite, and which was made known to me by the newspapers.

Accept, sir, the assurance of my respectful esteem.

P. A. ADET.

Mr. Adet, Minister Plenipotentiary of the French republic, to Mr. Pickering, Secretary of State of the United States.

LEGATION AT PHILADELPHIA.

The undersigned, minister plenipotentiary of the French republic, now fulfills to the Secretary of State of the United States a painful but sacred duty. He claims, in the name of American honor, in the name of the faith of treaties, the execution of that contract which assured to the United States their existence, and which France regarded as the pledge of the most sacred union between two people, the freest upon earth. In a word, he announces to the Secretary of State and makes known to his enemies, the friends of their country.

It would have been pleasing to the undersigned minister plenipotentiary to have only to express, on the present occasion, the attachment which his Government bears to the American people, the vows which it forms for their prosperity, for their happiness. His heart, therefore, is grieved at the circumstances which impose on him a different task. With regret he finds himself compelled to substitute for the declaration of friendship for the United States, the declaration of war.

With regret, also, his Government has ordered him to take that tone; but that very friendship has rendered it indispensable. Its obligations, sacred to men, are as sacred to Governments; and if a friend offended by a friend can justly complain, the Government of the United States, after the undersigned minister plenipotentiary shall have traced the catalogue of the grievances of the French republic, will not be surprised to see its directory manifesting their too just discontents.

When Europe rose up against the republic at its birth, menaced it with all the horrors of war and famine; when, on the other side, the French Republic, on the part of its enemies, put enemies, put in motion the most hideous and the most cruel, a sweet sentiment then mingled itself with those proud sentiments which the presence of danger, and the desire of repelling it, produced in their hearts. In America they saw friends. Those who went to brave tempests and death upon the ocean, forgot all dangers, in order to indulge the hope of that American continent, where, for the first time, the French colors had been displayed in favor of liberty. Under the guarantee of the law of nations, under the protecting shade of a solemn treaty, they expected to find in the ports of the United States an asylum as sure as at home; they thought, if I may use the expression, there to find a second country. The French Government thought as they did. Oh hope, worthy of a faithful people, how hast thou been deceived! So far from offering the French the succors which friendship might have given without compromising it, the American Government, in this respect, violated the letter of treaties.

The 17th article of the treaty of amity and commerce of 1778, states that French vessels of war, and those of the United States, as well as those which shall have been armed for war by individuals of the two States, may freely conduct, where they please, the prizes they shall have made upon their enemies, without being subject to any admiralty or other duty; without the said vessels, on entering into the harbors or ports of France, or of the United States, being liable to be arrested or seized, or the officers of those places taking cognizance of the validity of the said prizes; which may depart from the said liberty, the places are expressly added to the treaty, in which the captains of said vessels shall be obliged to show. And that, on the contrary, no shelter or refuge shall be given to those who shall have made prizes upon the French or Americans; and that, if they should be forced by stress of weather, or the danger of the sea, to enter, they shall be made to depart as soon as possible.

In contempt of these stipulations, the French privates have been arrested in the United States, as well as their prizes; the tribunals have taken cognizance of the validity or invalidity of these prizes. It was vain to seek to justify these proceedings under the pretext of the right of vindicating the compromised neutrality of the United States. The facts about to be stated will prove that this pretext has been the source of shocking persecutions against the French privates, and that the conduct of the Federal Government has been but a series of violations of the 17th article of the treaty of 1778.

On the 4th of August, 1793, a circular letter of the Secretary of the Treasury was sent to all the collectors of the customs. It accompanied regulations adopted by the President, prohibiting all armaments in favor of the belligerent Powers. These regulations immediately acquired the force of law, and the agents of the Government, and the tribunals, concurred in their execution. They gave them a retrospective effect, and caused to be seized in the ports of the United States the armed vessels and prizes which had come in prior to that time. But, even before these regulations, adopted by the President, had established any rule whatever upon the prohibition of armaments, the tribunals had already, by order of the Government, assumed the cognizance of prizes made by French vessels.

One of the predecessors of the undersigned protested against this, but in vain. The tribunals still continued their persecutions.

On the 3d of December, 1793, the President asked of Congress a law confirming the measures contained in the letter from the Secretary of the Treasury, above mentioned. (No. 2.) This law was passed the 5th June, 1794.

What was its result? In consequence of this law, the greater part of the French privates have been arrested, as well as the vessels. Confronted with these extraordinary appearances, without the possibility of producing tangible demonstrations of their innocence, the French government called the attention of the American government to the necessity of a new treaty, of the existence of which we have been informed. By the information of the one consul of the Powers at war with the French republic; frequently upon that of sailors of the enemy Powers; sometimes according to the orders of the Governors, but often at the discretion and at the cost of those Powers, to whom the principle appears to be granted by the law, (No. 3.) that their conviction was sufficient to authorize them, without the examination of proof, to cause the privates to be prosecuted in virtue of the law above mentioned. (No. 4.)

When the ministers of the republic have asked justice of the Government for the vexations experienced by the privates, in contempt of the 17th article of the treaty, they have not obtained the satisfaction.

Thus when, on the 9th Fructidor, 3d year, (26th August, 1794) the predecessor of the undersigned addressed a complaint to the Government on this subject, the Secretary of State answered, on the 3d September, 1794, by a peremptory refusal.

Thus when, on the same minister, on the 27th Vendémiaire, 3d year, (17th October, 1794) reminded the Secretary of State of the means he had proposed to him for putting an end to the measures adopted against the French privates, when he caused him to see that this means, which consisted in requiring security from those who claimed the prizes as illegal, would prevent the enemies of the republic from instituting so many suits, of which they themselves perceived the injustice, he obtained no other answer than that his proposition relative to securities was inadmissible.
When, on the 13th Floréal, 3d year, the same minister expressed himself in these terms, in a letter to the Secretary of State: "You have alleged, sir, that the Executive of the United States cannot interfere in the affairs of which the tribunals have taken cognizance; in admitting this objection for all the business now in suit, I do not the less think that your Government could, by general measures, bring back the jurisdiction of the American tribunals over all cases which would have been committed by the parties who are now before the French courts. It is certain that with regard to the recovery of the negroes and the cargoes of the Priscilla, it would neither be necessary to violate the supreme law of the lands; it may make known that the facility with which your courts of admiralty admit, without distinction, all the chicanery which our enemies create against us, in the present war, is evidently contrary to the spirit of the treaty. The Federal Government has more reason for its concern, as its agent, at home or abroad, did it not notice the particular fact which has occasioned the note of citizen Frascati.

What was the undersigned minister plenipotentiary able to obtain in the affair of the Cassius and of the Ven-

gerance? Nothing.

Government of the United States must have seen, however, by the claims which the ministers of the republic addressed to it, and by the great number of facts of which it has had a knowledge, how much the execution of the measures addressed to the President, and of the law of the 5th of June, 1794, was contrary to the 17th article of the treaty; how much the agency of the tribunals, who ought not to have any cognizance of the validity or invalidity of privateers, was contrary to the article of the treaty which states that the Government of the United States could not, without the consent of the French Government, be charged with the execution of the privileges of the privateers. But it was not evident that, when the Powers at war with the republic had the privilege, in virtue of the law of the 5th of June, 1794, of causing to be arrested the privateers and their prizes, of detaining them in the ports of the United States, of considering them as violating the laws of neutrality, they could be charged from this privilege an immense advantage to the detriment of France? Doubtless, it was of little import to them that sometimes the privateers obtained justice, in the last resort, if they detained the privateer for a length of time, and if, by these means, sheltered from their pursuit the commerce of the enemy of France. The neutrality of the United States, in this case, was also an advantage to the Federal Government, on seeing this state of things, should, out of respect to its neutrality and to treaties, have solicited from the Congress the means of conciliating the duties of the former with the obligations of the latter.

The Government very well knew how to solicit the law of the 5th June, 1794, that this law was to bear on foreign vessels, but at the same time, to the tribunals, in which decisions have been made, and which enables them to decide upon prizes. Why, on seeing the inconvenience of this law, has it not remedied to remedy them? Should it wait to be solicited on this head? Should it not anticipate all claims, and, when these were presented by the ministers of the republic, give it justice? Besides, if the Government had been impartial, as it has pretended to be, it would not have adopted that slow and circuitous mode, so favorable to the enemies of France, for deciding the cases relative to its neutrality; it would have preferred the measures proposed by Mr. Jefferson, on the 35th of June, 1793, to the minister of the republic. They have given the French Government the opportunity of committing a wrong, and of restoring to it, by the power. The Federal Government had decided questions which interested its neutrality, upon informations furnished by the State Governors and the agents of the republic; the prizes remained in the hands of the French consul until this decision took place; the stipulations of the 17th article of the treaty existed not violated; and the Government, at the same time, satisfied the obligations of duty and justice. In various cases of justice, the Federal Government, giving to the tribunals the right of taking cognizance of cases in which neutrality had been violated, did not the President, on the 21st of June, 1794, decide that the ship Ann, taken by the French in the names of the United States, should be delivered to the captors? On the 30th of July, 1794, did he not decide that the Pilgrim had been taken in the waters of the United States, and that, of course, she should be given up to the owners? In these cases, the President not only decided on matters of justice, which had been censured to the tribunals, but likewise gave a retrospective effect to his own decisions, and decided the preceding line of the United States, which was not notified to the minister of the republic till the 6th of November, 1793.

Not satisfied with permitting the 17th article of the treaty to be violated by its agents and tribunals, the Federal Government allowed the English to seize upon the advantages interdicted to them by that article. They armed in the waters of the United States, brought in and repaired their prizes, and, in a word, found in them a certain asylum.

Thus the English privateer Trusty, Captain Hall, was armed at Baltimore, to cruise against the French, and sailed, notwithstanding the complaints of the consul of the republic. At Charleston, one Bermudian vessel, several English vessels, and one Dutch vessel, from the 94th of May, to the 6th of June, 1793, took in cannon for their defence, and sailed without opposition.

What answer did the Government give to the representations of the minister of the French republic, in this regard? He had expressed the feeling of the French Government, and the French Government found it too suddenly; that it was not able to cause them to be stopped; but the treaty was not less violated. Some inhabitants of the United States had aided in these illegal armaments. What measures were taken against them? Was any search made to discover them—to prosecute them? Never; and yet the President of the United States, having received intelligence that the conditions contained in the treaty of Versailles seemed to contain, the French were arming in the ports of the United States, than the most energetic orders were sent for stopping these armaments. Even citizens of the United States were imprisoned upon suspicion that they had participated in them. The minister cannot omit citing here the following passage of a letter from the Secretary of State, Edmund Randolph, to Mr. Hammond, dated June 8, 1794: "On a suggestion of the citizens of the United States had taken part in the act, [he speaks of the armaments in the United States] one who was designated was instantly committed to prison for prosecution; one or two others have been since named and committed in like manner, and, should it appear that there were still others, no measures would be spared to bring them to justice." What more could the American Government do in favor of the English, if they had a similar treaty to that with France, and had been sole possessors of the advantages assured to her by positive stipulations?

However, in contempt of these very stipulations, the Argonaut, an English ship of war, in January, 1794, committed armed vessels by the French, and the vessel 11th of June, 1794, the English Government had repaired, in order to send her upon a cruise. Letters were in consequence written by the Secretary of State to the Governor of Virginia, and to Mr. Hammond. What was the result? Nothing. On the 99th of May, 1795, the Federal Government had not yet done anything positive as to the acts which produced the complaint of the minister. The Secretary of State had not heard that the arms were British arms, or that they were French arms; when they are verified, the Federal Government will not be in the rear of its obligations." To that has the repARATION demanded by the republic been limited.

What are we to think of these delays, when we see the officers of the Government acting with much activity against the French, on the slightest suspicion that they have violated the neutrality; when, in his letter of 9th April, 1794, the Secretary of State answers the complaints of the English minister: "We have received no intelligence of the particular facts to which you refer; but, to prevent all unnecessary circuit, in first inquiring into them, and next transmitting a decision, it was agreeable to the result, that the Minister, in his letter of February 1794, did the Federal Government conduct towards the autumn of 1794? The English frigate Tersiphere took the privateer La Montagne into the port of Norfolk. The French vice consul claimed the execution of the treaty, of the Government of the United States, and would not be satisfied with the answer of the American minister, who, in his capacity of the predecessor of the undersigned, the dispatches of the Lieutenant Governor, dated October 10, 1794; by which he announces that he ordered the commandant of the militia of Norfolk to make the necessary inquiries for enabling the Executive of Virginia to render to the republic of France that it had a right to expect. The result of these inquiries is not known. However, the fact about which the minister Frascati complained to the Secretary of State on account of the
When the Government of the United States had wished to maintain itself in that impartiality which its duties prescribed; if it had wished freely to execute the treaties; it would not have waited, every time that the English interest suggested it, to have its requirements. As no war was declared by the United States against the French, or by the French against the United States, as no war existed, as the question of war and peace was conducted on both sides, it was, in every event, the interest of the United States to maintain the neutrality which it had voluntarily assumed, and to wait the conclusion of the hostilities, which it did not hope would be long to continue. It was for the purpose of having the treaty of 1797, and of the new treaty which was about to be signed, and which it had been concluded should be modified, if necessary, on the same principles, that the American minister, M. de Rancé, was sent to London, and conducted the business of the treaty to its conclusion. He had represented that the United States had nothing to fear from the English, and that they expected nothing from them, in order to ensure, in return, the protection of the United States, and the assistance necessary to them against the French. The English government, on the contrary, placed their hopes in a treaty with the United States, which they expected would be the first step towards a peace; and which, in their opinion, would enable them to obtain, from the United States, what they had so long sought, when France was interested? Why, in fine, have the multiplied remonstrances of her ministers never produced the redress of grievances of which they complained?

The envoy of the undersigned minister plenipotentiary claimed the execution of the 17th article of the treaty, interdicting the entry into the American ports of English vessels which should have made prizes upon the French; when he cited this simple and formal stipulation: "On the contrary, neither asylum nor refuge shall be given, in the ports or harbors of France, or of the United States, to vessels which shall have made prizes of the French, or which shall have been armed by them; or, contrarily, shall be permitted to the French vessels, or officers, to enter, or to depart from the American ports, or to discharge the prizes which the French government shall have used to make them depart as soon as possible." The Secretary of State, in order to give the English minister the satisfaction which he desired, interpreted this article in their favor. "But it would be uncandid to conceal from this House, that this article, which is in the twain clauses, that the vessels forbidden are those which bring their prizes with them. It has been considered as necessary, for the withholding of protection or succor to the prizes themselves; had it been otherwise, it would have been superfluous to have prohibited [in the 28th article, foreign private-]

He said, moreover, in his letter of the 29th of May, 1795: "But, on the 3d of August, the President declared his intentions of contracting with English vessels to enter, thereby forbidden from our waters, except those which should have made prize of the people or property of France, contrary to the provisions of the treaty, to which they were entitled, in order to have their prizes in the American ports, and to discharge them there themselves. The 17th article of the treaty, interdicting the entry into the American ports of English vessels which should have made prizes upon the French, or of the United States, from the American ports, of the United States, and their prizes into the respective parts of the two Powers, of selling their prizes, or of discharging all or part of their cargo there, is, therefore, applied to the prizes, whereas, the 17th applies to the capturing vessels. Did it not exist, the enemy might, either in the French, or of the United States, of the said article, therefore, applies to the prizes; whilst the 17th applies to the capturing vessels. But, it was not necessary, then, to have recourse to a formal stipulation, when the vessels which had made prizes on the French or Americans, are admitted into the ports of France or of the United States, for the sake of the cases, they might, in this case, have conceived themselves authorized to dispose of their prizes, to sell them, or to discharge them. But, this was not the case, for the trade had been conducted by the undersigned, the stipulations of the 17th article have been violated. They have been equally so, by the admission, in sundry ports, of the Thetis and Hussar frigates, which captured the Pravenvoyage and la Raison, French store ships, and by admitting, in the last instance, this ship la Raison, prize to the Thetis, into the ports of the United States. The President of the United States, by the 28th article, pretends to support his construction of the 17th article, which does this article contain. A prohibition of the entry of English vessels into the American ports, were it not the case that those vessels have been armed in the ports of the United States, or of the United States, or of the United States, or of the United States, and have disposed of their prizes, in the American ports, or of the United States. The 17th article, therefore, applies to the vessels, and the capturing vessels. In this article, therefore, applies to the vessels, whereas the 17th applies to the capturing vessels. Did it not exist, the enemy might, either in the French, or of the United States, of the said article, therefore, applies to the prizes; whilst the 17th applies to the capturing vessels. But, it was not necessary, then, to have recourse to a formal stipulation, when the vessels which had made prizes on the French or Americans, are admitted into the ports of France or of the United States, for the sake of the cases, they might, in this case, have conceived themselves authorized to dispose of their prizes, to sell them, or to discharge them. But, this was not the case, for the trade had been conducted by the undersigned, the stipulations of the 17th article have been violated. They have been equally so, by the admission, in sundry ports, of the Thetis and Hussar frigates, which captured the Pravenvoyage and la Raison, French store ships, and by admitting, in the last instance, this ship la Raison, prize to the Thetis, into the ports of the United States. But admitting, for a moment, the construction gratuitously given by the Secretary of State to the 17th article of the treaty of 1778, this article has not the less been violated, when the Argonaut, which had quitted Hampton Roads in order to capture the Princesse, was destroyed for that prize; when the Tercenche was suffered to bring their cargoes, and to discharge them in the privateer la Montagne. In vain were sought, in the resources of the privateers, in the resources of the privateers, the only means of obtaining indemnification for the losses which the American commerce had sustained. What has this negotiation produced? A treaty of amity and commerce, which deprives France of all the advantages stipulated in a previous treaty.

In fact, all that could render the neutrality profitable to England, and injurious to France, is combined in this treaty. How, in fact, a secret relation with neutral states are entirely broken, by the abandonment of the modern public law on contraband—a law which England had consecrated in every treaty she had entered into. France and Prussia had also consecrated in their treaties with France, Holland, Sweden, and Prussia. From the new arrangements, with regard to England, the free carriage of the articles for the equipment and armament of the English vessels, is granted exclusively to England.

By the 17th article of the treaty of Versailles, the United States have the liberty of freely carrying on commerce with the enemies of France. The 24th article of the treaty with Holland, the 10th article of the treaty with Sweden, and the 13th article of the treaty with Prussia, contain the same stipulation. This last article gives even more extensive privileges to United States, by permitting their ports to carry to the enemies of this Power, the articles enumerated in the list of such as are contraband of war, without their being liable to confiscation. But, by the 17th article of the London, for the articles arming and equipping vessels are declared contraband of war. The Government of the United States has, therefore, by this stipulation, granted to the English a right which they had refused.
In vain will it be objected that France, having the right, by her treaty of 1778, to enjoy all the advantages in commerce and navigation, which the United States have granted to England, is not injured by the stipulations of the treaty of 1794, relative to contraband of war, as they become common to her. But the right secured to her, by the said treaty, of 1778, to enter into the commerce of the United States, in their treaty with France, have made stipulations entirely opposite to the just cited; whilst her vessels of war are bound to respect the American flag going to English possessions, the English ships in their ports American vessels going to the ports of France; subject them to decisions more or less arbitrary, and often condemn them, in account of the name alone, of their owners; by which means, all the commercial relations between the United States and France are entirely suspended. What American will venture to send vessels into French ports? What commerce will he venture to undertake with the French possessions, when it will be certain that his funds, either in going to, or returning from, them, will involve such hazard as renders every transaction with the latter country dangerous; and which, if it is licit, as the public safety may require, would be done without the consent of foreign nations, cannot be licit, in a commercial sense, when the public welfare may require it. What motive could induce a man who, under the protection of the American republic, has been happy enough to acquire a title to riches, to hazard them in a war, when he may have a ready market for them, and must, in that case, have them, in the manner in which they are, readily received? Would he not prefer Great Britain to France for his speculations? In virtue of the treaty of London, and by the course of things, would not the commerce of the United States pass entirely to England, during the present war?

After having consented to such conditions, the American Government cannot pretend to impartiality; it cannot say that it has maintained an equal neutrality between France and England, since it has granted to Great Britain advantages denied to France. But every one of these advantages granted to England was a real injury to the republic; and the Americans, in their treatises, with all the candor which admits of the bestowal of advantages, did not object to a belligerent Power advantages which it refused to another, it is clear that the Government of the United States, after having made its treaty with Great Britain, ceased to be neutral, when it opposed itself to the participation by France, in the favors granted to the English.

In consequence, the undersigned minister plenipotentiary again declares, that the executive directory has just ordered the vessels of war and privateers of the republic to treat American vessels in the same manner as they suffer the English to treat them.

Were the treaty of London out of the question, the measure the executive directory now takes, would not be less concomitant to it. The undersigned minister plenipotentiary has developed to the Secretary of State, in his note of the 6th Brumaire last, [27th of October, 1795.] principles which leave no doubt in this respect, and which the answer of the Secretary of State, is far from being destructive. (No. 5.) But the stipulations of treaties now come to the support of general principles. The republic calls for the execution of the second article of the treaty of 1778, that France and the United States mutually engage not to grant any particular favor, as to navigation or commerce, which shall, not immediately become common to the other party. The Government of the United States having, by the treaty of London, sacrificed to England the freedom of their flag, the property of the enemies of England, and naval stores, France, by her treaty, is authorized to claim the same advantage, to make use of it, and the United States have no right to complain.

Certainly it would have been more conformable to the designs of France, to her principles, to see the American flag floating over the ocean, which she shares with her, and which should belong to neutral nations; but in order to that, it was necessary that the American Government should know how to maintain that neutrality; it was necessary that it preserved it, free from violation by Great Britain; and if now the execution of the measures which the directory is obliged to adopt give rise to complications and incidents contrary to the interests of their country, have brought the French Government to use the prerogatives granted to the English.

When, after having suffered to be violated the treaties which unite it to France, the Government of the United States can assiccc itself with England, and has rendered its neutrality as useful to that Power as it is now injurious to its ancient ally, could the republic be silent? Her outraged generosity, her wounded honor, prevented her silence were weakness and, strong in her principles as in her proceedings, she should demand her unacknowledged services in its defense.

Thus, therefore, as it results from the statement which the undersigned minister plenipotentiary has just given:

1st. That the 17th article of the treaty of 1778, has been violated; that, in contempt of this article, the American tribunals have been permitted to take cognizance of the validity of prizes made by French ships of war and privateers, under pretext of original armament or augmentation of armament in the United States, or of capture within the jurisdictional line of the United States.

2d. That the said article 17 has been equally violated by the admission of English vessels in the ports of the United States which had made prizes on Frenchmen, and by the admission of their prizes:

The undersigned minister plenipotentiary, in the name, and by the orders of the executive directory, protests against the violation of this article, of the 17th of the treaty of 1778, in contempt of which article 17, said to be violated, in contempt of the said article, it has been taken cognizance of the validity of prizes made by French ships of war, or privateers, under pretext of original armament, or augmentation of armament, in the United States; or of capture within the jurisdictional line; claims the replevy of all seizures, and the repeal of all other judicial acts exercised on those prizes; and protests, moreover, against all operations for the capture of the said prizes in the 17th article of the said treaty.

Further, the undersigned minister plenipotentiary protests against the violation of the seventeenth article of the treaty of 1778, in contempt of which article 17, which has been violated, has been admitted into the jurisdictional line of the United States, after having been only the property of the French privateers, and not of the owners, and in contempt of the said treaty the distinction which Mr. Randolph, Secretary of State, has established in his letter of 29th May, 1795, in which he admits only the exclusion of the English vessels which bring in their prices, and wishes to except from the prohibitory measure, the vessels which, after having made prizes, enter the ports of the United States. The undersigned plenipotentiary declares, that the minister plenipotentiary regards the treaty of commerce concluded with Great Britain as a violation of the treaty made with France in 1778, and equivalent to a treaty of alliance with Great Britain; and that, justified offended at the conduct which the American Government has hitherto maintained, they have given him orders to suspend, from this moment, his ministerial functions with the Federal Government.

The same cause which for a long time prevented the executive directory from allowing their just resistance to break forth, has also tempered its effects. Neither hatred, nor the desire of vengeance, rapidly succeeded to establish in the heart of France; the name of America still excites sweet emotions in it, notwithstanding the wrongs
K^RANCE.

The undersigned minister plenipotentiary therefore announces, that the Government of the United States, and the Congress enabled by them, hereby declare their determination to be the friends of peace with the United States, but as a mark of just discontent, which is to last until the Government of the United States returns to sentiments, and to measures, more conformable to the interests of the alliance, and the sworn friendship between the two nations.

This alliance was always dear to Frenchmen; they have done every thing to tighten its bonds. The Government of the United States, on the contrary, has sought to break them. Scearely had the war broken out between France and England, when America was alone invited to the commerce of the Antilles. All the colonial ports were open to her. The United States, however, having sent cargoes of provisions to England, the British Packet put to sea, and left behind it, as a mark of the English violated the freedom of the neutral flag, the Convention was obliged to use. Her Majesty, who had ordered that neutral vessels should be seized by the ships of the republic; she excepted the Americans from this measure. Forced, against her inclination, to make it bear on them also, she waited, with impatience, for the moment to present her sentiments, and to demand an indemnity from the United States. It was only when she revoked her law relative to the arrest of their vessels. Soon, also, the committee of public safety gave orders to respect the American flag. In every circumstance, France sought the means of proving to the United States the sincerity of her friendship. When the Federal Government complained of the conduct of one of the predecessors of the under-signed, they gave only the complaints of the Government of the United States, and immediately gave the most striking reparation.

Let the annals of the French revolution be opened; let the minutes of that august sitting be seen, in which the National Convention received the minister of the United States into its bosom; the addresses which it styled them sprang from hearts full of affection for an allied people: they breathed the feelings which dictated them, and the American minister found himself in the midst of his friends. What joy did not the American flag inspire when it waved unfurled in the French Senate? Tender tears trickled from each eye; every one looked at it with amaze-

ments! The sense of this momentous event, the spirit which it unfurled, are enough to take all spirit from the French; it might be said that it applauded their audacity; all submission to their will, it allowed the French colonies to be declared in a state of blockade, and its citizens interdicted the right to trading with them. (No. 5.) It eluded all the advances made by the republic for renewing the treaties of commerce, upon a more favorable footing to both nations. (No. 9.) It excused itself on the most frivolous pretexta; whilst it anticipated Great Britain, by soliciting a treaty in which, prostituting its neutrality, it sacrificed France to her enemies, or rather looked upon her as obliterated from the map of the world; it forgot the services that she had ren-
dered, and the constant gratitude of the United States.

Alas! time has not yet demolished the fortifications with which the English roughened this country, nor those the Americans raised for their defence; their half rounded summits still appear in every quarter; amidst plains—on the tops of mountains. The traveller need not search for the ditch which served to encompass them; it is still open under his feet, and the first sound or footfall makes movements of British fury, still to be found. Men still exist who can say, here a ferocious Englishman slaughtered my father; there my wife tore her bleeding hair from the hands of an unbridled Englishman. Alas! the soldiers who fell under the sword of the Britons are not yet reduced to dust; the laborer, in turning up his field, still draws a breath, of the earth that is saturated by the blood of man, with tears of tenderness and gratitude. He recollects that his fields, now covered with rich harvests, have been moistened with French blood; while every thing around the inhabitants of this country animates them to speak of the tyranny of Great Britain, and of the genero-

ty of the men of America, who, having once thirsted for death to the victory of their country, are now avenging it, in the estimation of the United States, with its having cemented its blood with the independence of the United States. It was at this moment their Government, with a treaty of amnesty with their ancient tyrant, the implacable enemy of their anciently. O! Americans, covered with noble scars! O! you who have so often flown to death and to victory with French soldiers! You who know those generous victors, who are as decorated with honor as you are in arms! Consult them to-day, to know what you experience; recollect, at the same time, that, if magnanimous souls with liveliness arrest an affront, they also know how to forget one. Let your Government return to itself, and you will still find in Frenchmen faithful friends and generous allies.

Done, Philadelphia, the 29th Brumaire, 5th year of the French republic, one and indivisible, (15th November, 1796, O. S.)

P. A. ADET.

NOTES IN SUPPORT OF THE FOREGOING.

(No. 1.) See letter from citizen Genet to Mr. Jefferson, of 29th June, 1793, message from the President, page 15 of the original.

(No. 2.) Extract of the President's speech to the House of Representatives, 3d December, 1793.—"As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition was drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty, from the best account I have been able to obtain of any of the parties, and to obtain, by a declaration of the existing legal state of things, an easier admission of our rights to the intuitions belonging to the United States. Under these impressions the proclamation which will be laid before you, was

"In this posture of affairs, both new and delicate, I resolved to adopt general rules, which shall conform to the treaties, and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our good intentions, to be the duty of the government of the United States, I have assigned to the American flag the protection, under any of the parties, and by a declaration of the existing legal state of things, an easier admission of our rights to the intuitions belonging to the United States. Under these impressions the proclamation which will be laid before you, was..."
"Whatever those remedies may be, they will be well administered by the judiciary, who possess a long established course of investigation, effectual process, and officers in the habit of executing it."

(No. 3.) The undersigned minister plenipotentiary having complained to the Secretary of State that the attorney of the United States had caused the privateer La Vengeance to be arrested, without an affidavit or other authority, the undersigned was required to explain why this step had been taken. The undersigned, Mr. Troup, had addressed him in the absence of Mr. Harrison, district attorney of New York, in which is this passage:

"As to the suit against the privateer, it was commenced by Mr. Harrison, as attorney for the district, upon an official disclosure to him, by the Spanish consul, of the presence of the vessel in the harbor. Mr. Harrison, upon receiving this disclosure, felt himself, as he thought, authorized by considerations which, as a public officer, he could not resist, to proceed against the privateer under the third section of the act of Congress, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and for the allowing of legal process in suits for property taken in the use of such privateers," to bring in a suit against any person who shall give information of the offence, and the other half to the use of the United States. No person having appeared in quality of informer, to institute the suit, Mr. Harrison, according to the course of the common law, filed an information, in behalf of the United States, solely against the privateer, as you will perceive by the copy herewith transmitted. The undersigned, however, required the information to be founded upon any previous affidavit or evidence of the truth of the matters alleged in it. The filing of an information is an act entirely in the discretion of the officer entrusted with the power of doing it; and, if he should always, in every case, take it upon him to vouch for the existence of an all-important fact, his act, becoming a public document, and received as evidence, might be used against him in some future instance. Mr. Harrison has acted from the best of his judgment upon the duty of his office, after officially obtaining information from a public officer, who conceived himself likewise bound, by a sense of duty, to communicate the information."

On the 29th September, 1815, the undersigned minister plenipotentiary renewed the charge, on the 3d Vendémiaire, 4th year (29th September, 1815) to the Secretary of State, and still complained that an affidavit was not required to cause a privateer to be arrested—be [the minister] expressed himself in these words:

"But I again recur to the assertion that an affidavit is not necessary for ordering the arrest of a vessel."

Yet, this is no such matter. It is an act established which cannot be ascertained that it has been committed; and what certainty then had Mr. attorney? His opinion! Upon what is it founded? The complaint of the Spanish agent, since there was not a single affidavit.

But, why no affidavit? Because the enemy's captains are not disposed to bring forward, the French privateers are to be subjected to seizure! Such a measure tends to nothing less than to paralyze the seventeenth article of our treaty."

The Secretary of State, in reply, sent to the undersigned minister plenipotentiary the copy of a letter from Mr. Harrison, of 17th September, 1795, in which is this remarkable passage: ""This, however, I have undoubtedly, acted from my own opinion, founded upon such evidence as came to my knowledge; and, as in similar cases, I must necessarily, in the first instance, be unacquainted with the opinions and convictions of others, I know of no other rule by which I can be guided, unless when I am honored with the directions of the chief executive magistrate of this country.""

The Secretary of State thus closes his letter on the 16th of October, covering that of Mr. Harrison:

"You will perceive that, whatever may be the event of the suit pending in court, concerning her [the privateer], and her connection with her commission, is settled, the laws and usages of this country, upon such evidence and information as in the case referred to were produced."

(No. 4.) In virtue of this law, the tribunals were only authorized to decide on cases in which the neutrality of the United States shall have been compromised. Yet these tribunals conceived they had a right to decide upon prizes made by the French, in almost an indifferent manner. In the affair of Glass and Gibas against the ship交易, of which I have already spoken, the tribunal decided whether a prize belonged to enemies or to neutrals. In the affair of Jost Janson against the Dutch ship Vryen Catharina Magdalena, it was decided that the neutralization granted in the territories of France in American citizens, during the war, had given them the right either of serving or of commanding on board of French privateers; that the prizes made by such, although legally commissioned, were not valid; a distinction is established between a legal and an illegal privateer; it was judged that they had a right to pronounce on this legality, and consequently on the validity of the prizes; it was finally decided that a prize made at sea, with the assistance of an illegal privateer, was of no validity, and should not be admitted.

It was according to these first decisions of the Supreme Court that the district attorney of Virginia wrote officially, on the 28th March, 1794, to the vice consul at Norfolk. **"No vessel can be condemned as prize but in district courts, which are the proper admiralties of the United States. The enemies of France understood, and did not fail to make use of this convenience; but they and themselves of it; and, in order to cause French privateers to be arrested, they had recourse to the law of 5th June, 1794."

At this period, however, the law had put into the hands of Government a sufficient power for preventing the arming of French vessels. The privateers of the French government, under the presidency of the Supreme, of the 4th of August, 1793, the collectors of the customs were authorized, and even required, to visit, in the strictest manner, not only all privateers, but all vessels entering, or going out of, American ports. The law of 5th June authorized the President to support the exercise of these functions with military force. Of course they did not neglect to visit, with the greatest rigor, all French vessels, privateers, and others, during their continuance in the ports of the United States, and at their departure. They did not quit these ports but under the eye, and with the express permission, of the officers of the Government; for it had forbidden the collectors to clear them, if they committed the least violation on the neutrality of the United States, in which case they might be seized and condemned. Yet after this manner, they had entered the ports of the United States armed, and also went out armed, or had since been armed for war in French ports, scarcely did one of their prizes enter but she was arrested by order of the Federal courts.

The proceedings were instituted and pursued without any of the forms for protecting citizens. As the undersigned minister plenipotentiary has said, the assertion of an enemy of the republic was sufficient for causing a prize to be seized; often the privateer which had brought her in, and sometimes for the arrest of her captain, no proof was required from the enemy consul who instigated the arrest; he was not obliged to give security for the damages which he alleged, nor to give security for the loss and value of the property, or to put up security for the value of his property, on giving security for its value; the prizes were not valued; they simply placed them in the hands of the officers of justice; rarely were they permitted to be sold, and then the sale was made with slowness, and not till the consent of the two parties was obtained. In fine, when, after much delay and expense, notwithstanding the shifts of a crafty chicanery, the complainants proved nothing they advanced, the prizes were adjudged to the captors, but indemnification for damages and losses occasioned by this seizure was refused.

The undersigned minister plenipotentiary knows but two affairs, that of la Nuestra Senora del Carmen, at Rhode Island, and that of le Commerce de Villefranche, at Marseilles, which are to the public explaining, and where damages and interest were allowed to the captors. Yet the tribunals have always allowed damages to the captured when they have declared the prizes illegal. The least pretext was sufficient to obtain from a tribunals of prize in spite of the provision of the law to the contrary. If one or two cannons, one or two barrels of powder, opened some port holes in the territory of the United States.

In the affair of the two prizes of the French privateer Le Citoyens de Marseilles, which entered the port of Philadelphia and commissioned, repaired in the same port, and sent under the eyes of the Government, the only thing in question was, that some port holes were pretended to have been opened in the vessel after her arrival at Philadelphia; the court of Charleston was of opinion that the holes had been opened, and condemned the two prizes. The superior courts did not adopt this opinion, and the first sentence was reversed; but after how long a time, how much care, fatigue, pain, and expense?
In the affair of the Princessa des Asturias, at New York, as will be seen hereafter, only two cannon and a score of guns were in question. 

They were the property of the French government, by a patent dated 1790, and arrested under: still more frivolous pretenses. The privateer La Parisienne had infringed a revenue law of the United States; she was seized and condemned by the district court. This tribunal, doubtless agreeable to rules prescribed by the law, had restored this vessel to her owners, on making them pay her value. 

Under the circuit court, went on a second appeal; one of the parties was sent into Charleston and the other into Savannah. They were both arrested at the instance of the English consuls, under the pretense that the tribunal had acted illegally, by restoring the confiscated privateer; that, notwithstanding this restitution, and the payment of her value to the treasurer, she had not been unconditionally delivered over to them. This unfounded assertion was seriously opposed in the district and circuit courts, and in the Supreme Court of the United States; at the close of the proceedings, which lasted near two years, the prizes were adjudged to the captors, but without allowing them damages.

In like manner, numerous prizes of the French privateers La Mere Michelle, Le Brustus, Le General Laveaux, and Le Vengeur. The captors have gained their causes in three courts, and have not obtained damages.

It was necessary to cite here all the vexatious proceedings commenced against French vessels, the undersigned must say that they would occupy a volume. He contents himself with adding to what he has just said, the affair of the Vengeance and that of the Cassius.

Affair of the Vengeance.

At the beginning of 1794, the predecessor of the undersigned charged the captain of La Dorade, a French galliot, with a particular mission for St. Domingo. He ordered him to go to New York with his galliot, to take some powder which was at Sandy Hook on board the frigate La Semillante, belonging to the republic, and which made part of her equipment, and to carry them to General Laveaux. This vessel had formerly been armed for war; she had been built with port holes; consequently she attracted the particular attention of the Government. Many difficulties were thrown in her way; but finally, after having submitted to all the requisite inspections, she sailed, with a force of officers, with the Spaniards) in her train. She continued her course till she arrived at New York, where she was arrested, on the pretext that the privateer had been armed in the United States; and we saw officers of the Government appear to defend his action.—Mr. Harrison, attorney of the district of New York, and Mr. Troup, clerk of the district, were present, with a view to appertain the decision of the cause.

It was under these auspices that the prize was arrested, and the captain of the privateer saw himself obliged to defend her against the allegation of a pretended armament: but it was not sufficient to have arrested the prize; they must also attack the privateer. This did not fail to happen. Shortly after, Mr. Harrison, without laying aside his office of attorney for the captured, but acting in this instance in the name of the United States, brought against La Vengeance, and required her arrest under the same pretext which had been used for arresting her prize. This information was not founded on any affidavit or material proof. But Mr. Attorney, according to his letter to the Secretary of State, had no need of any; he had seen, in the hands of the Spanish consul, documents sufficient for having the prize condemned. 

In fine, not content with these measures, he made the same attempt, some time after, the two other causes being still pending, exhibited a second information against the privateer, and had her arrested anew, for having exported arms in violation of a law of the United States, which was in force when the Vengeance sailed from New York. This information was made on the simple declaration of Mr. Giles, marshal of the court, who, as informer, was to share part of the confiscation. So that all the officers of the district court (except the judge) were interested in the condemnation of the privateer or her prize. It is well to observe that, during the course of the process, the monies arising from the sale of the prize were deposited in the hands of the clerk, (Attorney for the United States,) paying the hands of the informer. 

But this did not yield to this evidence.

However, the three causes were tried; but the yellow fever, which took place at New York, spun them out to a considerable length. The judgment of the circuit court was not given till November. In the meantime, an express, which Captain Berard had sent to St. Domingo on the first arrest of his prize, had returned with papers, in the most convincing manner, that the Vengeance (Vengeur) had arrived at Port de Paix without any armament or equipment whatever; and that she had been sold, armed, and equipped, wholly, and commissioned as a privateer, on the territory of the republic. These documents were certificates of the general, the ordonnateur, and of the greater part of the principal officers of St. Domingo; the accounts of armament attested by all the provisions, arms, and ammunition, that was not authentic if it was not true.

The undersigned hastened to communicate these documents to the Secretary of State of the United States, and to request that he would order the attorney of New York district to stay the proceedings he had instituted in the name of the United States, and there was nothing done with them, and Mr. Harrison continued his prosecution.

In fine, the moment came to appeal to the circuit court; and in the circuit court, the privateer was acquittted of the charge of illegally arming, and the prize adjudged to the captor. Mr. Harrison did not appeal as to the privateer; but the cause of the prize was carried to the circuit court, and finally to the supreme court, and these two tribunals confirmed the sentence of the district court.

As to the exportation, the judge was of opinion that the vessel should be condemned for it, and grounded his sentence only on the article of twenty muskets. Some of the attorneys for the privater had considered it as so little of consequence, that they had not conceived it would be brought in question, and had omitted to speak of it in their pleadings. 

But the undersigned had reason to apprehend that the counsel of New York was the appellant, and required, in order to be agreeable to a law of Congress, that the vessel should be given up to him, under security, during the appeal; but he could not obtain it; the vessel was sold for less than a tenth part of the cost of her armament; and the money was deposited as an irrevocable conclusion of the case.

The circuit court, as was expected, set aside the sentence which condemned the privateer; but Mr. Harrison, not content with all he had hitherto done, immediately appealed to the supreme court of the United States, which was not more favorable to him, and confirmed the sentence of the circuit court. The Government, notwithstanding the representations of the undersigned minister plenipotentiary, took a decided part in the appeal, and gave charge to Mr. Lee, the attorney general, to argue, which he did with much eloquence, but with the success such a cause merited.

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Affair of the Casuists.

In the month of Thermidor, of the 3rd year, (August, 1795) the corvette Le Cassis, belonging to the republic, commanded by Captain Davis, and sent by General Laveaux to the undersigned minister plenipotentiary, on a particular mission requiring her immediate return to St. Domingo, was seized in virtue of an order from the district court of the United States for the State of Pennsylvania, and her captain was arrested at the suit of a merchant of Philadelphia, for a pretended illegal capture made in virtue of his commission, and out of the jurisdiction of the United States.

The undersigned minister plenipotentiary complained of this violation of the treaties and of the law of nations, and demanded an immediate freedom for the vessel and her property and person; and the case was brought to the supreme tribunal with these results:

He conceived himself so much the more grounded in his request, as he knew that a like interposition was not new in the annals of the United States; as he knew that the Executive power of the State of Pennsylvania had interposed in a similar case, and in the same manner, in favor of the State of Virginia; and as this measure, dictated by a professed love of the law and a desire to defend the rights of the tribunals, organs of the law.* But Mr. Randolph, Secretary of State of the United States, replied to the undersigned, on the 19th of August, 1795, * as long as the question is in the hands of our courts, the Executive cannot withdraw it from them.

But the undersigned, addressing, on the 1st Fructidor, in the third year, (18th August, 1795) expressed himself in these terms: * ‘I do not know, nor ought I to know, any other than the Government of the United States; I cannot, under any shape, admit the competency of your tribunals in the different circumstances which arise on the execution or interference of the Executive, without the participation of the President. I can only address myself to the Government for reparation of that violation; otherwise it would be to render the agents of the French Government, the French Government itself, amenable to these tribunals; which would be to reverse principles.’ Infirmed that the Cassis and her captain might be liberated on giving security, the undersigned requested, by the same letter, that the Government of the United States would itself furnish this security and knowing that the Supreme Court of the United States, which was then in session, had the power in certain cases of arresting the proceedings of the inferior courts, on their signifying to them a prohibition, he suggested to the secretary to adopt this sure and prompt method to prevent the retroactive proceedings. The undersigned adhered himself to the supreme tribunal, requested the prohibition, and obtained it. The district court was enjoined immediately to stop the proceedings which had been commenced, and to liberate Captain Davis and his vessel.

But at the very instant in which the * marshal was desired to execute the order of the supreme court, he had already arrested the undersigned, upon the charge of an English merchant and naturalized American, stating that this vessel had been formerly armed in the United States; and consequently requested that she should be confiscated, one moiety to himself, the other moiety to his principal. The undersigned was unaware whether the Minister of the United States; he was even assured that some individuals had only attempted to put on board arms and ammunition, and which they were prevented from doing at the time; but he takes upon himself to affirm, that since that vessel has become the property of the French republic, General Laveaux armed and equipped her wholly at St. Domin- go, after her arrival there, she had not a cuation of property which had not been put on board her in the territory of France. This new order was signed by one of the judges of the supreme court, (in quality of circuit judge) who having already ordered the prohibition in the first instance, must have known very well that this vessel was the property of the French republic; and who must also have known that the circuit court was not competent to this proceeding; so new and instant as it was, and as manifestly contrary to the law of nations, their object was to keep from the minister of France the name of regularity to which his mission was entitled. This has taken place. The undersigned, from a spirit of conciliation, made an useless attempt with one of the judges of the circuit court to obtain the liberation of the vessel, on giving security; the reply was, that the judge could do nothing of himself; that the court, when assembled, could alone determine.

The undersigned minister plenipotentiary made new representations to the Secretary of State of the United States upon the foregoing facts. Mr. Pickering, then Secretary of State, in his answer of 1st August,‡ 1795, repeats this phrase of Mr. Randolph: * ‘As long as the question is in the hands of our courts, the Executive cannot withdraw it from them;’ adding thereto this remarkable expression: * ‘and, therefore, is not chargeable with suffering a vessel to be armed in the United States, and then sent out of the country.’ The undersigned minister plenipotentiary, having accompanied against the Casius had been carried to an incompetent tribunal, and in the same letter of 1st August,‡ 1795, the Secretary of State replied on this head to the undersigned, * ‘the counsel who have told you that such is the law, have led you into a misapprehension of the competency of such courts and tribunals.’

The undersigned minister, in these circumstances, saw himself obliged to disarm the vessel; to discharge the crew, which, during these transactions, he had supported, at great expense, and abandoned the Casius to the Government of the United States, protesting against the illegality of her arrest.

The undersigned minister is not without reason to have happened since that time relative to this affa- r; he only knows that, in the month of October last, the circuit court declared itself incompetent, notwithstanding the assertion of the Secretary of State, and quashed all the proceedings. In consequence, the Secretary offered him the Casius as if, having having retained, in the exercise of treaties, a State vessel, after having left her to the Government of the United States were not to answer but for the violation of the treaties, and for the damages the Cassis has sustained.

(No. 5.) The Secretary of State, by his public letter of the 1st November last, in answer to the note of the undersigned minister plenipotentiary, of the 6th of Brumaire last, appears not to have understood either that note or the decree of the executive directory of the 14th November 1794.

This decree does not simply contain the order for seizing English property on board of neutral vessels, and on course of board on American vessels; it orders that the vessels of the republic shall act towards neutrals in the same manner as neutrals shall act towards them.

This decree consequently implies, not only the seizure of enemies’ property on board of American vessels, against the principle, * free ships make free goods;⁄ a principle the American Government abandoned, after having recognized it by according to the declaration of Russia in 1790; not only the seize of articles classed as contraband in the treaty concluded at Madrid, January 25th, 1795, by the treaty of 1778, but also reprimands for all vexations, contrary to the law of nations and to the treaties, which the Americans shall endure on the part of the English, without an efficacious opposition.

The Secretary of State has been pleased to observe, that France and the United States, by a reciprocal treaty, had agreed upon the principle, * free ships make free goods;⁄ and thereby diminished the list of articles seizable as contraband. Upon this basis he built reasoning which he might have spared if he had been pleased to remember the 2d article of the treaty of 1778.

The Secretary of State has also been pleased to reply in part to the note of the undersigned minister plenipotentiary, dated 6th Brumaire, relative to the press exercised on the American sailors, that the Federal Government were not to give an account to any nation of the measures it takes for the protection of its citizens. If such an answer required a reply, the undersigned minister plenipotentiary would request the Secretary of State to observe, that the 17th article of the treaty referred to, was not at all to know the steps taken by the Federal Government, for the protection of its citizens; but the measures pursued by it for preventing its citizens from increasing the maritime forces of the enemies of the French republic, its ally.

* Simon Nathan versus the Commonwealth of Virginia. Dallas’s Reports, p. 77.
† This should be circuit.
‡ This should be October,
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It is evident, that, in this case, the Federal Government should give an account, and that the French republic would have a right to regard its silence as a tacit consent to that measure, and a real hostility.

The undersigned minister plenipotentiary can no longer be suspected of having demanded of the Government of the United States the explanations foreign to the relations which exist between that Government and the French republic, and to the Federal Government, in its letter of 7th Vendémiaire in the fourth year, since, after the passage cited by the Secretary of State, is the following paragraph: "But I am convinced it will not be

"It is in this conviction that I have written you this letter, persuaded that it is perhaps superfluous to address you these explanations. I do not doubt but the American Government will prove all Europe the intention it has announced to maintain in regard to the belligerent Powers that it will oblige England to violate no longer the rights of nations, and that it will not henceforward reduce France to the pain of addressing new claims upon this subject."

(NO. 6.) In the General Advertiser, published at Philadelphia, on the 9th of June, 1794, may be seen the questions proposed by the President on the 16th of April, 1793, to the Heads of the Departments. The undersigned minister plenipotentiary has the honor to add the following extract:

Question 2. Shall a minister from the republic of France be received?

Question 3. If received, shall it be absolutely or with qualifications? and, if with qualifications, of what kind?

Question 4. Are the United States obliged, by good faith, to conspire with their predecessor, as applying to the present situation of the parties: may they either renounce them, or hold them suspended till the Government of France shall be established?

Question 12. Should the future regent of France send a minister to the United States, ought he to be received?

(No. 7.) The French Government, jealous of giving to the United States proofs of its attachment, had communicated negotiations with the regency of Algiers, in order to put an end to the war which that Power was making on the commerce of the United States. The Minister for Foreign Affairs, by a letter of the 5th of January, 1794, instructed the predeces sor of the undersigned to communicate to the Federal Government the steps which the regency of Algiers were taking to prevent the commerce of the United States, and, at the same time, the Minister for Foreign Affairs, on the 16th Frimaire in the second year, the following letter: "I have already had the pleasure, sir, to inform you, verbally, of the interests which the committee of public safety of the National Convention had, in due season, taken in the truly unhappy situation of your commerce in the Mediterranean.

The subsequent conference, by calling for it, and recalling the steps which are to be taken by our agent with the Day of Algiers, for repressing this new manœuvre of the British administration, which has put the finishing stroke to its proofs of malevolence towards free people. The despatch of the above mentioned letter was communicated the 1st of January, and did not come to my hands till fifteen days ago. I do not yet know by what route. I could have wished it had been less precipitate, that I might sooner have fulfilled the agreeable task of proving to you, by facts, the protestations of friendship, which I have so often spoken in the name of the republic of France.

The situation of the American commerce, and my responsibilities, have caused me some concern for the success of those negotiations which were to have been opened in January last. If the situation of your affairs is yet such, with respect to that barbarous regency, as that our intervention may be of some utility, I pray you to invite the President to cause to be communicated to me the means that he will join to those of the committee of public safety, for the purpose of effecting a renewal of the amicable relations of the two nations. This, sir, is the object of my present communication on this subject. I shall be satisfied to be able to transmit it by a very early conveyance, which I am now preparing for France."

The Secretary of State replied to him on the 6th of June, 1794, by a letter, of which the following is an extract:

"Your other letter, of the 4th of June, is a powerful demonstration of the interest which the republic of France takes in the fate of the United States. I have added only our measures, and our one wish is to see the effects of the negotiations which your Government has pursued in our behalf, but, as you will so soon receive the detail of those measures, which your Government have pursued in our behalf, and after the rising of Congress some new arrangement will probably be adopted by the Executive, it will be better, perhaps, to postpone our comment on this matter until the intelligence, which you further expect, shall arrive."

Then Mr. Jay was charged to negotiate with the British Government, and the citizen Fauchet did not afterwards receive any communication on the subject.

(NO. 8.) On the 13th Floréal, in the third year of the republic, (3d of May, 1794) the predecessor of the undersigned minister plenipotentiary expressed himself in these terms to the Secretary of State, upon the blockade of the French colonies:

"After so many useless attempts, sir, you must be sensible of the pain I experience in tracing this picture, so different from that which the French republic gives whenever justice towards you is in question, even though her interests are the same in fact, and that there was necessarily an equal interest to obtain from them, but in this instance she demands but justice, and cannot obtain it. On the contrary, she sees her enemies admitted to an intimacy with you, at the moment in which your commerce and your sovereignty are alike insulted by them; at the moment when, adding decision to injustice, they despoil you upon the seas, when they promise to indemnify you for former acts."

"This is reflection that we must wait under your eye the official legalization of a proclamation, which prohibits your commerce with our colonies, and suspends to you alone the law of nations. I know, sir, what respect imposes on me as to what influences, will be the effect of your punishment, and that you will be convinced that the latter will not exist, when on the one hand, you can no longer maintain your treaties, and, on the other, you are obliged to abandon commerce exclusively to the nation whose colonies will soon declare all the universe blockaded, except her possessions. What account do you conceive I can render to the French Government of the means you take for rendering your neutrality respectable? Yet, on that, my information is so meagre, and it is on that, more especially, that France is uneasy.

The Secretary of State replied, on the 29th of May, 1795, to this passage of citizen Fauchet's letter, in the following manner:

"The predicament of a neutral nation is always peculiar and delicate, and eminently so while it defends itself against charges of partiality from one of the warring Powers, lest it should seem to palliate the misdoings of ano- ther. But I refer this subject to the Executive, that the validity of the proclamation of blockade is asserted to. We did read, on the 10th of April, 1795, a publication from His Britannic Majesty's con- cerning the General and Southern States of America, giving public notice that he had received official communications that the islands of Guadeloupe, Martinique, and Desirade, were, by proclamation, issued by His Britannic Majesty's authority, in the West Indies, blockaded; and that neutral vessels were, by that proclamation, prohibited from attempting to enter any of the ports or places of the said islands with provisions or supplies of any nature or kind whatsoever, under the penalty of be- ing taken and condemned. The said proclamation was enclosed to the established laws of nations. 9 So highly valuable has the West India commerce always been, that this exception was often revived in the interest of the military investment of a place? Surely not the besieged, but the besiegers, whether we consult principle or practice. The check which
foreign relations.

[Pp. 587-588]

[Image 0x0 to 294x524]

n early, indeed, have remonstrated, last with what color may well be imagined, when this Department was unprovided with any document upon which the rescinding of that edict could have been urged. If rumor were a fit guide, who can pronounce on which side rumor preponderated, when stripped of the exaggerations which a host of passions had gathered together? We had, it may be said, one effort remaining, which was to promulge to the citizens of the United States that the proclamation was null and void as to them. If, after this defiance of that act, any American vessel had risked, and incurred confiscation, the Government would have been imported for something more than the general protection, which is the birthright of all our citizens. The clamor would have been much louder, the fire and brimstone in the newspapers would have been more assiduous.

(No. 9.) The citizen Genet, one of the predecessors of the undersigned, notified the Secretary of State, on the 23d of May, 1793, that he was empowered to renew the existing treaties between the French republic and the United States. The Secretary of State replied to him that the Senate not being assembled, it was impossible to meet his overtures, because that body were, according to the constitution, to participate in the consummation of treaties.

On the 30th of September, 1793, citizen Genet renewed the subjects the Secretary of State, in acknowledging the receipt of that letter, informed him that he had laid it before the President, and that it will be taken into consideration with all the respect and interest that such an object requires.

The Senate assembled, and the treaty was never again brought in question.

The predecessor of the undersigned, in his verbal communications with the Secretary of State, expressed the desire which he made had of renewing her treaties. He, the undersigned minister plenipotentiary, charged to prepare, with the Federal Government, the plan of a new treaty of commerce, communicated to the Secretary of State, on the 30th June, 1795, (O. S.) that part of his instructions which authorized him to open this negotiation.

On this subject the President gave the necessary authority to the Secretary of State, who explained to the undersigned the manner in which they could proceed in it. But at what time? When the ratification of the treaty concluded between Lord Grenville and Mr. Jay no longer permitted the undersigned to pursue that negotiation.

At Philadelphia, the 25th of Brumaire, in the fifth year of the French republic, one and indivisible, (15th November, 1796, O. S.)

P. A. ADET.

[For Nos. 6, 7, and 8, containing proclamation of neutrality, and instructions to collectors, see ante, pages 148, 149, 111, No. 61.]

No. 9.

Mr. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State.

PHILADELPHIA, 9th Froidorian, (August 26, 1794, O. S.)

3d year of the French republic, one and indivisible.

Sir: I have informed you, several times, of the numberless vexations which our privateers are made to experience at the instigation of English agents; this persecution, far from diminishing, becomes intolerable. I have used all the means in my power to prevent armaments in the United States no commission has been granted since my arrival, and you may be assured that none will be given hereafter, with the earnest wish of keeping out of the United States, the most odious proceeding. I wait for certain information that I may submit them to the justice and impartiality of the Government, which I believe is tenacious in the execution of its treaties, and in dissolving all those miserable substanations—those miserable chicaneries, shamefully employed to damp the courage of the mariners of the French republic. In the mean time, sir, I send you a picture which, without doubt, will be as affecting to you as it is to myself. I pray you to cause orders to be given to the officers of the customs at Newport, to restore to the agent of the republic, the prize made by the privateer Sans Pareil. Without informing the consuls, without adhering more to the laws of equity than to those of our treaty, this prize has been captured, and that the privateer Sans Pareil had been armed in the ports of the United States. If this pretext had been really alleged, a more glaring injustice and more palpable falsehood could not have been disguised; but, perhaps, (as I may be permitted to suppose, after such conduct) they have only wished to gain time; but, perhaps, as has frequently happened, they have only wished to discourage and fatigue the captors, by inducing the prize, from the length of time required for obtaining the decision, which they will retard by a thousand unfair expedients. In this case, sir, it is at length time to take a determination which will secure the interests of the captors, who, without this precaution, will be always injured, whatever may be the determination of the courts; they will be affected, first by the loss of the prize, and secondly, by the expenses in procuring this foreign privateer, and vessels which they shall have taken. This reflection, dictated by justice, reminds me that a letter I wrote to you, requesting indemnity for the ship William, which has been suffered to decay in the port of Philadelphia upwards of a year, for the want of a decision, remains without an answer. I am inclined to believe, notwithstanding your silence, that you have taken my request into consideration; I will go farther, and say that I am sure it has been as favorably received as it is just. The one I now make is not less so, sir, and I calculate upon an answer as prompt as favorable.

Accept, sir, my esteem.

J. H. FAUCHET.

No. 10.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, 3d September, 1794.

Sir: I have urgent the Governor of Rhode Island to report, without delay, the case of the prize taken by the privateer Sans Pareil. Be assured, sir, that no doubt is entertained of your determination to discountenance illicit privateering, and that the Government of the United States will not suffer the acquisitions of the French privateers to be wrested from them, without adequate cause; nor yet, that they should be wantonly vexed by unjust detentions.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

No. 11.

From the same to the same.

PHILADELPHIA, September 27, 1794.

Sir: I do myself the honor of informing you that the Governor of Rhode Island has decided that the Perseverance, a prize to the Sans Pareil, shall be restored to the captors, and of assuring you that I am, with great respect, &c.

EDM. RANDOLPH.

*Letter from Mr. Jefferson to Mr. Morris, dated 23d of August, 1793. Message from the President, 3d of December, 1794, page 69 of the original English.
FRANCE.

No. 12.

Mr. Randolph, Secretary of State, to the Governor of Rhode Island.

PHILADELPHIA, September 3, 1794.

Sir: It being represented that the Perseverance, a prize to the French privateer Sans Pareil, is detained at New-
port by your excellency's order, with a view to institute an inquiry into the legality of the privateer, and, consequen-
tly, of the prize, I have to request you, sir, as soon as may be, to transmit to me the circumstances of the case. I have now before me a letter from the French minister, who expresses great anxiety lest delay should take place in the settlement of cases like the present, and the arduous of French privateers be damped by the vexations which a seizure of
their prizes may produce.

I have the honor to be, &c. 

EDM. RANDOLPH.

No. 13.

Mr. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State.

PHILADELPHIA, 30th Vendémiaire, (17th October, 1794, O. S.)

3d year of the French republic, one and indivisible.

Sir: I conceive how painful it must be to you to observe me recurring so often to the same questions, and speaking to you so frequently on the same affairs; be persuaded that it is not less so to me, to have daily new motives of com-
plaint against the abuse made of the laws, in order to persecute our privateers.

You announce to me that La Perseverance, prize to the Sans Pareil, had been delivered to the captors by order of the Governor of Rhode Island; in contempt of that decision the English agents have just created new difficulties; a new decision is still expected to take place on the first Monday of November. It is impossible, sir, for this state of things to continue much longer. You are sensible how necessary it will be to retract from our treaty the article which improperly permits the ships of war of the two nations to conduct to, and sell their prizes in, their respective ports; should this right become illusory and void by the difficulty throned in the way of its execution. I proposed a
method as simple as it is just, for putting an end to this tyranical chicanery: this method was, to require security from those who have professed prizes as illegal. Were this measure adopted, it would render our enemies less ingenious in their proceedings, and prevent them from bringing so many actions of the injustice of which they themselves are convinced.

Your silence led me to presume that you were of opinion with me on this point. I am undeceived by the recent complaints which crowd upon me from all parts; I expect, sir, that the Federal Government will put an end to these persecutions of the privateer I have proposed, or by any other which your wisdom may suggest.

Permit me, sir, to call to your attention, at the same time, the outrage committed on board the Favorite by men
clad in American uniform. Among the arms which they have pillaged, there are some of which the republic stand in great need. I hope that these will not add to the crime already committed, delays injurious to the inter-
ests of the French republic, outraged by an act so contrary to the law of nations and to treaties.

Accept, sir, my esteem.

JH. FAUCHET.

No. 14.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 22, 1794.

Sir: I received your letter of the 17th inst, remonstrating against the vexations which your cruisers are said to ex-
perience, with the most unqualified wishes that we were always able to administer immediate relief. But the extent of the United States imposes the necessity of substituting the agency of the Governors in the place of an instantane-
ous action in the Federal Executive, and therefore general rules alone can be provided.

Under these rules, formed in the last year, the Governor of Rhode Island operated on the prize of the Sans Pa-
rel, and discharged her. If, however, individuals conceive that they have a legal claim upon her, and draw her before a court of law, the Executive of the United States cannot forbid them. The plea, under the treaty, that the court has no cognizance of French prizes, will be admitted if it applies, and the person by whom the process is in-
stituted will be liable to a judgment for costs and damages, if he fails in his proof.

The bond, which you propose as a security against vexation, we have no power to demand, because the Execu-
tive do not mean to interfere, without presumptive proof of title; and this presumption, when estab-
lished, would seem to be a sufficient protection against being harassed. The courts have their forms, founded on similar precau-
tions. Knowing that this was the situation of our laws, I am not authorized to make the arrangement proposed.

However, I will do every thing which can be done with propriety; and that is contained in the letter of which I have the honor of sending you a copy.

Papers respecting the Favorite were received this morning from New York, and copies of them are now trans-
nimed to you. 

I have the honor, &c.

EDM. RANDOLPH.

CIRCULAR.

The Secretary of State to the Governors of the several States.

PHILADELPHIA, October 22, 1794.

Sir: It gives me pain to inform you the excellency that Mr. Fauchet, the minister plenipotentiary of the French republic, believes that he has reason to complain of the treatment which French prizes have too often received in our ports.

He represents that, by the machinations of the enemies of his country, the captors are harassed by seizures, ar-
rests, and detentions, the most vexatious and cruel: that as soon as the claimants are failed in one attempt, they be-
take themselves to another, when, under the pretense of the confidence which the President reposes in the executives of the States, they have been requested to fulfill the general rules laid down by him, I could only undertake to address your excellency upon the subject.

It is in his anxiety that a bond should be given by the claimants before the executives shall interpose in any case of a prize. Doubting the legality and expediency of this suggestion, I have it not in my power to recommend it.

But I have assured him that none of the chief magistrates of the States will ever interfere, without a strong pre-
sumption of title. A late circumstance has, however, brought to view the practicability of oppression, unless precau-
tions be adopted by the executives. The claimants may often pursue a double course, by first procuring a trial
before the Governors, and, if defeated, by next resorting to the courts of law. It is desirable, therefore, that when-
sover an application shall be made to your excellency, with respect to a prize, you should cause it to be examined well, whether the courts have jurisdiction to inquire into the affair. If they have, then it seems proper that your excellency should not interpose. If the courts have not jurisdiction, and you are convinced that there is good ground for detaining the prize, in order to comply with the rules established by the President last year, then, and then only, your excellency will so proceed. By these means, the vexation complained of will be avoided, as far as lies in your power, the executive is not to be indulgent, and certainly the executive ought not to yield to the judiciary, who are more particularly the expositors of it. By these means, also, the article of that treaty will be best preserved from violation, and the honor of our nation sustained.

But nothing which I have now taken the liberty of offering to your excellency's consideration is intended to change the success which, at any time, you may find it necessary to give to the officers charged with the execution of legal process.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 16.

UNITED STATES, ss.

In the Supreme Court of the United States.

Alexander S. Glass and others, Appellants,

v.

The sloop Betsey and cargo, &c., and Pierre Arcade Johannene, Appellee.

At a Supreme Court of the United States, held at Philadelphia, the same being the present seat of the National Government, on Saturday, the eighth day of February, in the year of our Lord one thousand seven hundred and ninety-four, on a sand mountain my law or court of marine capturing cruise wished to be made of the said United legal well, ground ever to lies excellency "produce the vJimi On

The said Supreme Court of the United States being met, and the advocates aforesaid attending, the court proceeded to the publication of their final sentence or decree, which, being read and filed, is in the words following, to wit:

This court being decidedly of opinion that every district court in the United States possesses all the powers of a court of admiralty, whether considered as an instance or as a prize court, and that the plea of the aforesaid appellee, Pierre Arcade Johannene, to the jurisdiction of the district court of Maryland, is insufficient; therefore, it is considered by the Supreme Court aforesaid, and now finally decreed and adjudged, by the same, that the said plea be, and the same is hereby, overruled and dismissed, and that the decree of the said district court of Maryland, founded thereon be, and the same is hereby, revoked, reversed, and annulled.

And the said supreme court being further at liberty to decide, in the present cause, whether the court of the United States, is, or is not, by law and right, the court to which the said claimants shall have recourse for the redress of their grievances, it is hereby ordered and adjudged, that this said district court of Maryland has jurisdiction, and is entitled to decide, whether, in the present case, restitution ought to be made to the claimants, or to the vessel of same, and in all matters relating to the expenses incurred by the said claimants, in their proceedings in the said case.

And the said Supreme Court being further of opinion that no foreign Power can, of right, institute or erect any court of judicature, of any kind, within the jurisdiction of the United States, but such only as may be warranted by, and be in pursuance of, treaties it is, therefore, decreed and adjudged, that the admiralty jurisdiction, which has been exercised in the United States by the consuls of France, not being warranted, is not of right.

It is further ordered by the said Supreme Court, that this cause be, and it hereby is, remanded to the district court for the Maryland district, for a final decision, and that the several parties to the same do each pay their own costs.

A true copy.

JACOB WAGNER,
Clerk Supreme Court United States.

No. 17.

Joseph Fouchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 27th Fructidor, 2d year of the French republic, one and indivisible, (13th Sept. 1794.)

Sir:

I am about to lay before you an affair, which I have often mentioned to you in conversation. I could have wished that it was possible to present you, at the same time, an account of the vexations of which I complained in my letter of the 9th Fructidor,* and of which Charleston has been the principal scene. It is painful to me to be obliged to recur to subjects of such nature; but I could delay no longer to communicate to you the affair which shall constitute the subject of this letter, and on which I think it my duty to claim the speedy justice and good offices of the Federal Government.

The French privateer L'Ami de la Pointe à Petre, Captain William Talbot, commissioned at Guadaloupe, sailed near the island of Cuba, a Dutch brigantine called Vrouw Christiane Magne. This vessel had been originally captured by a French armed vessel, called L'Amour de la Liberté, but having been met with, and visited by L'Ami de la Pointe à Petre, and the prize master, who had been put on board by the first captor, not being able to produce a commission, the latter manned her and brought her to Charleston. Having arrived at that port, Capt. Talbot, von not respecting the rights of the Dutch captain, and as a security, to the amount of fourteen thousand dollars, was demanded from him for his liberty. Proceedings were immediately instituted against the captors in the court of admiralty, and, notwithstanding the representations of the French consul, notwithstanding the documents furnished in favor of Talbot, and with every pretext you will soon see, were not of a nature to be refused, the prize was adjudged illegal, and restored to the claimants.

I could have wished, sir, to have it in my power to send you a formal copy of the decree pronounced by the court; but if the enclosed extract from the Gazette of Charleston may be deemed sufficient information, it appears that the sentence was grounded on the illegality of the act of the capturing vessels, on Captain Talbot being a citizen of the United States, and his vessel armed at Charleston.

On the first point I will observe, that L'Ami de la Pointe à Petre should have been considered as the only legitimate captor, the schooner L'Amour de la Liberté not having any right, and her existence as a vessel armed for a cruise being absolutely out of my knowledge that it was by address that the claimants instituted an action, on the ground of the illegality of this first captor; that intrigue suppressed the just representations which Talbot might have substantiated, and confounded him with the other. I will add, sir, that, as soon as I was informed of the manner in which L'Amour de la Liberté had been armed and commissioned, I sent pressing orders to Charleston to do justice on the occasion, deeming, thereby, to give your Government a new proof of the fidelity with which we keep our promises.

* August 26, 1794.
To illustrate the second point, I enclose, sir, a copy of the oath which citizen Talbot took to the French republic, before the municipality of Pointe à Pétre, an oath which assures him the rights of a French citizen, which, agreeably to the laws of your country, he had a right to take, and in virtue of which I find myself obliged to maintain him in his demand. I sincerely wish your friends at the same time, a copy of the commission which he obtained from citizen Collot, then Governor of Guadaloupe. You will hereby see that the vessel which he commands is French property, belonging to citizen Samuel Riddick, of Pointe à Pétre. These documents, sir, which were officially communicated to me by the consul of Charleston, are the same which were produced in support of Talbot's claim. I have reason to be very much surprised that their validity should appear to have been drawn in question by the judge of the court of admiralty. Acts passed by a French municipality, or delivered by French public officers, acknowledged as such, ought not to have been submitted to the control of the American courts, and it, without doubt, in consequence of a mistake, of an inaccuracy in the said account, that the affair presents such an aspect. The point to be decided appears to me, whether Talbot had, or had not, a right to become a Frenchman, on renouncing the protection of the United States. Whether his vessel had, or had not, been built in the United States, appears to me to be immaterial, since it is proved that the vessel was French property when she was commissioned. Besides, I do not believe that in last December there existed a law to prohibit an American from transporting his property, at his own risk, and disposing of it where, and to whom, he should think proper.

To return, sir, I have just explained to you the vexatious to which citizen Talbot has been exposed, as well in his person as his property. I earnestly request you, and I expect it from the justice of the Federal Government, to cause them to cease as soon as possible. As far as the process commenced against him is concerned, I believe that he has appealed, in his own name, to the circuit court, from the sentence pronounced by the admiralty. I know that the Government cannot officially interfere in this business; but would it not be possible to engage the attention of the district at Charleston to aid Captain Talbot with his good offices to recover, as speedily as possible, a prize which, according to the seventeenth article of our treaty, the "Ami de la Pointe à Pétre, acknowledged to be a French privateer, " has a right to conduct where it pleases, without the officers of the admiralty in the ports or harbours of the United States taking cognizance of the validity of the said prize? I cannot close this letter without mentioning to you a circumstance which took place in the suit in question, and which lies heavy at my heart. The chancellor of the consulate at Charleston was summoned to the bar of the court, to address the court of admiralty, in my proclamation; he appeared there with and without the document demanded, or the documents themselves. I enclose a copy of the summons. Without speaking of the immunities of our chancellors, and of the application of this right to the present case, you will observe, sir, inconsistent as the terms of this paper are with the cordiality which ought to prevail between the two countries, I have the right to expect. I acknowledge that this incident very seriously affects me: for this kind of procedure, even supposing it to be justified in the law cannot fail finally to interrupt the good understanding which so happily prevails between the two people, especially if it be compared with the attentive and very delicate manner with which the American tribunals have hitherto treated the causes of the French nation on similar occasions. I do not doubt, sir, that you will partake of my sensibility in this respect.

Accept, &c. J. H. FAUCHET.

No. 18.

CHARLESTON, Saturday, August 9, 1794.

Wednesday, in the court of admiralty for this district, the judge pronounced his decree in the long contested cause of the Dutch brigantine the Vrouw Christiana Magdalena, captured and brought into this port by the captains Ballard and Talbot.

The libel was on behalf of the captain and owners of the said brigantine, claiming restitution under the 15th and 19th articles of the treaty with the United Netherlands. A plea was entered to the jurisdiction of the court, under the 17th article of the treaty with France, and the 6th section of the act of Congress of the 5th of June last, entitled "An additional act to the punishment of crimes and offences against the United States."

The defendant, William Talbot, as a French citizen, acting under a commission from the Governor of Guadaloupe, and as having taken this vessel out of the possession of Captain Ballard, the original captor, his prize-producer having no commission.

The judge, in considering the arguments in support of the plea to the jurisdiction, over-ruled the same as irrelevant—

1st. Because the 17th article of the treaty with France contemplates only French vessels of war, or privates legally appointed.

2d. Because the 6th section of the act of Congress of the 5th of June last, does not lessen the jurisdiction of the district courts in any case of which they had previously cognizance; and the decree of the supreme court of the United States, in the case of Glass and others, against the sleep Betsey, &c. having declared that every district court of the United States possesses all the power of an admiralty court, whether considered as an instance or a prize even accepted, this cause was therefore cognizable therein by the law of nations, and the constitution of the court.

The judge being of opinion that Captain Ballard had acted without any commission authorizing him to cruise or arm for war, and had not even the pretence of being a French citizen; that Captain Talbot having armed his vessel (then an American bottom) in an American port, proceeded thence to Guadaloupe, for the express purpose, as appeared in evidence, of changing the property, applying for a French commission, obtaining the same within two days after the sale of the vessel, and under color of such commission, having captured the said brigantine Vrouw Christiana Magdalena; which acts were deemed contrary to the 19th article of the treaty with the United Netherlands, in the absence of any commission from the French republic in Charleston, heretofore issued in the city of Charleston, in South Carolina district, to the schooner Citizen Genet, the schooner

No. 19.

UNITED STATES, South Carolina district.

The President of the United States of America, to the marshal of the court of the United States having and holding admiralty jurisdiction.

You are hereby commanded, without delay, to cite and admonish Antoine Louis Fonspertuis, vice consul, and Rene Godard, chancellor of the consulate of the French republic at Charleston, immediately to be and appear before the Honorable Thomas Bee, Esq. judge of the said court of admiralty, at the usual place of judicature in Charleston, on the 9th day of August next, at ten o'clock in the forenoon, then and there to testify the truth on behalf of the libellants, in certain cause instituted in the said court, by Joost Jansen, late master of the brigantine de Vrouw Christiana Magdalena, against the said brigantine and cargo, and against William Talbot. Herein you are not to take any depositions, but to produce and lodge in the said court, the true and faithful copies of certain commissions recorded in the public registers of the office of the consulate of the French republic in Charleston, heretofore issued in the city of Charleston, in South Carolina district, to the schooner Citizen Genet, the schooner
FOREIGN RELATIONS.

[1797.]

SANS Culottes, and the schooner les Vainqueurs de la Bastille, or a copy of one of them, and this you may in no wise omit, and also a copy of the marine regulations of France, respecting privateers and prizes.

Witness, the Honorable Thomas Bee, Esq. judge of the said court of admiralty, at Charleston, the seventeenth day of July, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the sovereignty and independence of the United States of America.

JACOB READ, Proctor.

In the admiralty, Jost Jauson, the brigantine de Vrouw Christiana Magdalena, and her cargo, and William Talbot.

Co. Citation and decree final.

Mons. Fonspertuis.

True copy.

JH. FAUCHET.

No. 20.

WINDWARD ISLANDS.

Guadeloupe.

Equality. Liberty.

FRENCH REPUBLIC. — In the name of the French people.

George Henry Victor Collot, major general of the armies of the French republic, Governor of the islands and their dependencies.

In consequence of the declaration of war made against the King of England and the Stadtholder of Holland, agreeably to the proclamation of citizen Rochambeau, commandant general of the Windward Islands, and the hostilities committed in the latitudes of Guadeloupe, and its dependencies, by the ships of the enemy:

We, in virtue of the powers delegated to us, authorize citizen Samuel Riddick, resident at Pointe à Pétre, to arm for war, under the command of citizen William Talbot, the schooner l’Ami de la Pointe à Pétre, of the burthen of about sixty tons, to cruise against the enemies of the republic, of whatsoever nation they may be, and to sustain, with the courage and intrepidity of a true republican, the dignity and honor of the national flag.

We enjoin the owner and officers commanding the said schooner, not to permit any pillage of negroes, cattle, moveables, and utensils, of the inhabitants residing upon those enemy coastis religiously to respect the fishermen, their canoes and nets, conformably to the decree of the National Convention, hereby disavowing all violations which may be exercised against the law of nations; and we formally declare that we will compel the restitution of all captures which shall be made contrary to the law of a liberal and generous warfare, which the French republic intends to wage with its enemies.

We equally desire that the prizes which may be made may be conducted, as far as it is practicable, into the ports of Guadeloupe and, if this colony should be attacked, that the said vessel should come to its assistance and make a common cause with it, against the public enemies; and for the fulfillment of the above conditions, citizen Samuel Riddick has given good and sufficient security to the municipality of Pointe à Pétre; and the present shall be enrolled in the tribunal of the district of the said town of Pointe à Pétre.

Given at Basse Terre, Guadeloupe, the 5th of January, 1794, in the third year of the French republic.

COLLOT.

Registered in the register of enrolments of the registry of the tribunal, established at Pointe à Pétre, this 9th of January, 1794, in the third year of the French republic.

A true copy.

CONARD.

GODARD.

No. 21.

MUNICIPALITY OF POINTE À PETRE, GUADALOupe.

Before us, Andrew Courtous, mayor, I. B. Parro, Francis Philip Gossee, and I. B. Dusseau, municipal officers, appeared citizen William Talbot, a native of North America, attended by citizen I. Cailie, interpreter of the English language, who, being admitted to the rank of a French citizen, in virtue of the decree of the National Convention, desired to take the oath of allegiance to this nation, which we granted to him. In consequence of which citizen William Talbot lifted up his hand and swore to be for ever faithful to the French republic and to its laws, and to support the constitution with all his power; which act the citizen Cailie and the register have signed with us.

Given in the town house of Pointe à Pétre, Guadeloupe, 28th December, 1793, in the 3d year of the French republic.

[Signed, Courtous, Mayor, Gossee, Municipal officer, Parrau, Municipal officer, Dano, Casson.]

A true copy.

GODARD.

No. 22.

Joseph Fauchet, Minister Plenipotentary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 8th Bramaire, (23rd October, 1794, O. S.)

3d year of the French republic, one and indivisible.

Sir: — I take the liberty of reminding you of the letter which I had the honor to write to you on the 12th of last month (O. S.) on the subject of citizen Talbot. I have nothing to add to the facts which it contains, unless that it is much to be feared lest the circuit court, before whom the appeal was brought, may pass over, as superficially as the district court, the unquestionable documents which Talbot exhibits, and lest the matter may become otherwise very complicated, if with this unfavorable issue, the chance of which was foreseen, it should proceed without the interposition of the Government.

Your silence, sir, I must confess, excites my solicitude for the idea you may have formed of the consequences of this decision. They go far beyond the simple fact of prize; and fearing lest they may have escaped you, I must beg you to put me to represent them here in a summary form.

The decision already made, and that which is foreseen, implicate at once the treaties, the law of nations, and the fundamental maxims of municipal law.

The validity of a prize is contested notwithstanding the legal commission of the captor; notwithstanding the 17th article of our treaty,—an article solemnly guaranteed by the 29th of the treaty of Holland with you, of which I am astonished that Talbot’s antagonists should be permitted to avail themselves.

The right, which every citizen of a free State possesses, of entering into the service of a foreign nation, and of procuring himself to be naturalized there, is drawn in question; the word prize has received a definition of a terrible extent. If the decision of the first tribunal is founded in justice, your citizens are villains attached to the soil, your laws follow them to a foreign domain, even though they have renounced them. France, although she has naturalized...
Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 28, 1794.

Sir:

Two reasons have prevented an earlier answer to your letter of the 13th ultimo, which was received on the 16th. The first was, that the insurrection at Pittsburg, and the subjects connected with it, necessarily absorbed our attention; and the second, that I was in hopes that a complete copy of the record, duly exemplified, would have been forwarded to you. We should then have been more fully qualified to examine this case, throughout its several stages. For, although what shall come from you will always be treated with the most respectful attention, yet, when the conduct of one of our courts is impeached, there may often be, in a formal statement of its proceedings, at full length, something which may vary the impression arising from a detached part of them. However, as in your letter of yesterday you urge an answer, I now do myself the honor of transmitting it.

1. The necessity of a complete record is demonstrated by your first remark, that the Ami de la Pointe & Poirot ought to be considered as the sole lawful captor. This is entirely a matter of fact, and must have depended upon the evidence given.

After this fact was established so as to satisfy the judge, it would seem that he then inquired whether she was a legal privateer. Whether the equipment of the vessel here was with a view to convert her into a privateer at Guadaloupe, it is impossible for us to judge, deprived of the testimony; or whether, if this was the case, she thereby became illicit, is a point of law which, at this stage of the business, the Executive cannot take up. For the principle will be admitted, that the Government to which an individual belongs cannot interpose, in his behalf, for a defect of justice, until the gradation of tribunals shall have been resorted to and in this channel Captain Talbot seems to be now proceeding.

2. I cannot doubt that Captain Talbot has taken an oath to the French republic; and, at the same time, I acknowledge my belief that no law of any of the States prohibits a privateer. It is obvious, that to prevent frauds, some rules and ceremonies are necessary for its government. It then becomes a question, which is also an affair of the judiciary, whether these rules and ceremonies have been complied with. Should he prove to be a French citizen, he ought and will be acquitted. Should he prove to be an American citizen, he will be amenable to the laws.

Under these circumstances, you will perceive that it is impracticable for the Executive of the United States to interpose, as yet, at least, so far as regards the foregoing case. For, to interpose would imply that the Executive is satisfied of his being in a situation which enables him to decide on the affair; which is not the case.

I am, sir, your obedient servant.

EDM. RANDOLPH.

Gentlemen of the Senate:

April 16, 1794.

The communications which I have made to you during your present session, from the despatches of our minister in London, contain a serious aspect of our affairs with Great Britain. But, as peace ought to be pursued with unremitted zeal, before the last resource—which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States—is contemplated, I have thought proper to nominate, and do hereby nominate John Jay, as envoy extraordinary of the United States to His Britannic Majesty. My confidence in our minister plenipotentiary in London continues undiminished; but a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world a sollicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an envoy will carry with him a full knowledge of the existing temper and sensibility of our country; and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity.

G. WASHINGTON.

No. 25.

Declaration of Edmund Randolph.

JULY 8, 1795.

I never could, with truth, have informed the French minister that the mission, as set forth in the President's message to the Senate, contemplated only an adjustment of our complaints, if by this phrase it be intended to exclude commercial arrangements; I could have had no reason for saying so, since the French republic could have had nothing to do with our commercial arrangements, if they did not derogate from her rights—it could have answered no purpose, when so short a time would develop the contrary—I never did inform the French minister as is above stated.

The only official conversation which I recollect with Mr. Fauchet, upon this subject, was when I communicated to him, with the President's permission, that Mr. Jay was instructed not to weaken our engagements to France. Neither then, nor at any other time, in official or unofficial conversation, did I ever say to him that nothing of a commercial nature was contemplated; or that nothing but the controversies under the old treaty, and the spoliations, were contemplated.

Mr. Fauchet, some time ago, said to me, that he understood, from what I said, that Mr. Jay was not authorized to treat of commercial matters. I told him that he misunderstood me. No letter has ever passed upon this subject.

EDM. RANDOLPH.
The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 12th Messori, (June 30, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir:

I have received the treaty of amity, commerce, and navigation, concluded between the United States and Great Britain, of which the President has been pleased that I should be possessed, in order to enable me to make such observations thereon as I might judge proper. This frank measure is to me a sure guarantee of the friendship of the contracting nations towards each other, and of a view for the common good, and of a spirit of mutual confidence. I am, therefore, with confidence that I am about to submit the reflections to which the reading of the treaty his given birth. They will not be founded, sir, upon general questions; they shall be confined merely to the specific stipulations of the treaty, and, which, contrary to the interests of France, appear to me to destroy the effect of her treaty with the United States.

I shall not speak of the 19th article, since that is suspended. I shall not represent to you how injurious it may be to France and the United States. It necessarily paralyzes the commerce of the United States with the French colonies, and is calculated to diminish the maritime power of these colonies, to which it will be well known that France has not a sufficient navy, on which we cannot count, to defend even the coast of the United States, against which he cannot vend in Europe? Is not this an indirect means of preventing the colonies from participating in advantages which the English reserve to themselves? But, sir, this is not the only article upon which I can present observations.

The 17th, 18th, 24th, and 25th articles appear to merit great attention, when we compare them with the 29th, 34th, and 17th of our treaty. Indeed, sir, subsequent to the 17th, which states that the contracting parties agree that the respective vessels may be arrested and detained upon just suspicion that they are laden with merchandises belonging to an enemy, or that they are carrying the enemy's contraband of war, &c. is the 19th article describing those articles, and which states: "It is agreed that, under the said denomination, shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombas, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, balls, pikes, poulterers, powder, lanse, halberds, mortars, petards, grenades, saltpetre, muskets, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow shall be considered as belonging to the enemy, and not as contraband of war: all manufactures of firearms, the arms of war, instruments of war, furniture, ammunition, &c. shall not be considered as mere contraband of war; no more than contraband of war shall be considered as mere manufactures of war goods; for that they may be transported and carried in the freest manner by the subjects of both confederacies, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blockaded, or invested."

The law of the 13th Nivose, in the 3d year, secures to the treaties a full execution, and the arrêt of the committee of public safety, dated the 27th of the same month, transmitted to you by Colonel Monroe, bears evidence of the entire execution of the article of our treaty which I have just cited to you. The United States, therefore, in virtue of that article, may transport what they may, hemp, flax, flax, tar, pitch, ropes, cables, sails, sail clothes, anchors and any parts of anchors, also ships' masts, planks, beams, and beams, and of what trees never, and all other things proper either for building or repairing ships, and all other goods whatever, which have been not worked into any instrument or thing prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods, as likewise all other merchandises of whatever kind, that are either no contraband or not contraband, nor have been or can be considered as such, and shall be carried by all the ships of the United States to any ports of France, to be sent thither by land or sea, or to be removed to other places, by land or sea, for the benefit of the United States, without any duty for bringing in, in particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other nations; but this article only provides that the United States shall agree, that, while they continue in the amity, and the future make any treaty that shall be inconsistent with the present article."

While the 17th article of our treaty states that French ships of war, and those which France shall have armed for war, as also the vessels of the United States, or of their inhabitants, may conduct their prizes into the respective ports of the two nations; that neither asylum nor refuge shall be given, in their ports or havens to those who shall have made prize on the respective inhabitants of the two countries, and, if they are forced to enter, by tempests or the dangers of the sea, they shall be
to come out as soon as possible. If we compare this article with those of the treaty made with Great Britain, it will be easily seen that, during the present war, it is destroyed by the first. For, although the 25th article of the treaty with Great Britain states: "Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns, and States," we ought to infer therefrom that France, through the treaty it made, gave the 25th article of the treaty allows her, yet it is very clear that the English will have the right of claiming the execution of the 23d and 24th articles of their treaty with the United States; that they will have, during the present war, the privilege of conducting their prizes into the ports of the United States. This contrary to the stipulations of the 17th article, to which they were not parties, and it is possible that they would be refused to her in virtue of that article.

Such, sir, are the observations which I have thought it my duty to present. I shall wait for your answer, in order to transmit the treaty to the committee of public safety of the National Convention. It has never doubted the justice which accords to the American rights of France, and I am convinced that the present circumstances will furnish a new proof of their good intentions.

Accept, sir, the assurance, &c.

P. A. ABET.

No. 97.

The Secretary of State to Mr. ADEL, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 6, 1795.

SIR:—I accept, as a pledge of that harmony which you are anxious to cultivate between our two nations, your letter of the 30th ult., received on the 1st instant, at night. Let it be our unvaried practice to suffer no suspicion to ripen into an unfriendly sentiment, until it shall have been imparted to each other; and let us repel with firmness the artifice by which ill affected persons, under the guise of attachment to the French republic, endeavor to embroil it with the United States.

When you expressed to me, on Monday last, some uneasiness which the report of the contents of the proposed treaty with Great Britain excited in your breast, I more readily informed you of my intention to ask the President's permission to furnish you with a copy, as I was convinced that an entire view of it would not entirely remove your apprehensions, but would also prevent any misrepresentation or misrepresentation which might occur. Having delivered to you a copy, I am now to examine the provisions which seem to you irreconcilable with our engagements to France.

Upon our looking into the President of the United States, and is now repeated, that those engagements shall not, with his consent, be infringed. As far, therefore, as he is concerned, you need only prove, at any time, that a given measure will infringe it, and he will not countenance that measure. The same, I am persuaded, may be affirmed of the other branches of our Government. But, after a close scrutiny of the points which alone you have selected for animadversion, it is not discerned that the rights of France are, in any degree, impaired.

In saying this, I must call to your recollection the manner in which the making of treaties is arranged by our constitution. The Senate advise and consent to their being made; the President ratifies them; and the courts are afterwards at liberty to construe them as particular cases arise requiring their decision. The opinions, therefore, of the President are not obligatory on the courts. He judges for himself; they judge for themselves; and if, in the interpretation of the one or the other, the rights of the French republic are assailed, the accustomed modes of revision and negotiation will still be open, and the principles upon which national redress is demanded will still have their force.

After this explanation, I proceed to state to you the result of the President's reflections on your expectations from the proposed treaty.

These expectations are, 1st, that the 23d and 24th articles of our commercial treaty with France are violated by the 17th and 18th of the proposed treaty; 2dly, that the 17th article of the former is destroyed by the 23d, 24th, and 25th articles of the latter; and 3dly, that the last sentence in the first paragraph of the 25th article of the proposed treaty, as you apprehend it, appears a new article added to the United States and France.

First, the essence of your objection, as drawn from the reasons you assigned in your letter, is reducible to this statement: By the treaty with France, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors, masts, planks, boards, and beams, of what trees soever, and all other things proper for building or repairing vessels, (for which the President, as it is represented in the clearest manner by the contracting parties, even to places belonging to an enemy; such only excepted as are not actually besieged, blocked up, or invested. But the proposed treaty designates as contraband, timber for ship building, tar or resin, copper in sheets, saws, hemp, and cordage, and whatever may serve directly to the equipment of vessels, (unwrought iron and fir planks only excepted) and they are declared to be just objects of confiscation whenever they shall be attempted to be carried to an enemy. From hence you conclude that the United States may freely carry into England all things proper for the building or repairing of vessels, without fearing any obstacle from France, while they can carry none into England, and that they have thus granted to England a right which France enjoys not, and which, in the course of the existing war, inclines the balance in favor of England.

The United States have certainly opposed the extension of contraband, whenever the British Government has sought to swell the catalogue. But it never could be denied, under the law of nations, and independently of a treaty, that these articles were contraband. The proposed treaty then does not grant, but recognizes only a right to Great Britain, which, even without that recognition, she would have possessed and exercised.

This recognition might have been omitted or inserted, without changing the nature of the subject; though it was more natural, in commercial arrangements, to particularize the articles of contraband.

It was, indeed, anxiously desired to diminish the list as much as possible. But if no reciprocity could accomplish this end; if no equivalent could be offered by us to Great Britain powerful enough to induce her to renounce such a privilege in us, she was as much interested as she is in preventing it, and it should have been exerted by force. To become a party in the war, was neither our policy nor the wish of your republic. To become a party in the war for a cause which the armed neutrality itself never would have asserted, would have been supported by no civilized nation.

The United States have, therefore, wilfully surrendered no right relative to contraband.

Nor is the treaty with France contravened by this acknowledgment of contraband. It stipulates that, if France be at war, and the vessels of the United States carry naval stores to her enemy, French cruisers shall not capture them. This protection extends to the right of Great Britain to seize such vessels. The inference is, that France has relaxed her strict rights, in consideration that the United States have relaxed theirs, and not that Great Britain will not relax hers. The treaty with France, therefore, remains uninfluenced by the proposed compact with Great Britain.

The true light in which the subject is to be viewed, is that which you have caught, when you allude to the effect which the right of Great Britain to seize naval stores going from the United States to France may have upon her interest, while she continues bound not to seize like stores going from the United States to England.

Our treaty with France was entered into with a perfect knowledge, on both sides, that they were striking out, from the class of contraband articles which the law of nations denominated such. They were both apprized that,
if the United States should be at war with Great Britain, the shipping of France, carrying naval stores to Great Britain, could not be seized by American cruisers; while the same shipping bringing naval stores to the United States might be seized by British cruisers. They saw, therefore, the reciprocity of the prohibition. Why then was not a similar case, as to the supposed embargo onAaron, the American vessels, admitted into French harbors, perhaps from a belief that it was not over important. Perhaps, on the part of the United States, from a confidence that their internal supplies would be ample; and on that of France, that their home resources, their own ships and convoys, would accommodate them with those stores. Or, more possibly, neither of the contracting Powers would have conceded this point, than which it is certain no other point in the treaty was more disputed. It may be, the proposed treaty does not vary the situation of France, nor better the rights of Great Britain, in one lot of contraband.

There was a time, indeed, when France felt herself absolved from the stipulation that free ships make free goods, because Great Britain, by capturing hostile property in American bottoms, rendered disadvantageous to France to spare British property in those bottoms. But the law of the 13th Nivose, in the 3d year, to which you refer, has banished that mode of reasoning, and has created a precedent for our mode.

Hitherto, however, I have spoken upon principles of right. Upon any other principles; and more especially upon those of hardship and injury to a friend, it shall be a topic of the negotiation now opening between us. With the temper which will pervade the whole of it, I cannot doubt that some modification may be devised; and it may be separated from the general treaty, as not to be delayed.

Second: In my judgment you misconceive the proposed treaty when you imagine that the English will have a right to claim the execution of the 23d and 24th articles of it, in derogation of the 17th article of our treaty with France; that is to say, that, in the course of the present war, they may conduct their prizes, made from the French, into the ports of the United States. They will not possess such a privilege during the present, or any other war with France. For "nothing in the proposed treaty contained shall be construed or operate contrary to former and existing public treaties with other sovereigns or States." The British plenipotentiary was here admonished of our prior engagements, and of our determination to postpone to them any new contract with Great Britain. Our treaties have always been saved by the general description, which was the most eligible form of expression, because it was shorter, and equally well adapted to comprehend all our treaties. It is the same form of expression with that which was adopted in the year 1786, in the treaty between France and Great Britain.

The 40th article of the last mentioned treaty, and the 23d and 24th article of the proposed treaty, are, in substance, alike; and yet it was clearly and properly understood, when the French and English treaty was made, that our commercial treaty with France was not in this respect shaken. We have, at least, never complained of any infraction of ours from this cause, and, therefore, are sincere in believing that France can be as little affected by our treaty with Great Britain, as Great Britain can be affected by our treaty with France.

In your quotation of the 33d article of the treaty with Great Britain, you observe, that "the vessels of the United States are to be received with hospitality in the ports of the United States. They are the "ships of war," the public navy, not the privateers, which are to be so received. Now the British ships of war are not prohibited by our treaty with France. On the contrary, we have a comprehensive clause, under certain exceptional circumstances. From these they are not relieved by the proposed treaty; because our treaty with France, which is a supreme law of the land, is decisively contrary.

The 23d article of the proposed treaty is, with very small, and unessential difference, the same with the 16th article of the French treaty with Great Britain.

And here it is necessary to observe that the right of France arising from our treaty of commerce; but the treaty between France and Great Britain does not, by any general or particular expression, save the rights of the United States, which might stand in opposition to that sixteenth article. We have never renounced, because we always thought ourselves secure under the faith of France and its law of nations.

Third. Upon the third and last head of objection, which you urge against the proposed treaty, little need be said. You shall continue to enjoy your rights under the seventeenth article of our treaty with France. We will not ask you to renounce the advantages which that article assures to you. To them, on which, you pay so much stress, in your letter of the 13th, we do not object, except in the far more serious and disadvantageous case of the proposed treaty.

And here it may be observed, that if the proposed treaty would exempt from the consequences of violation of the treaty, the old one, would be prevented by the twenty-fifth article, the consequence may be easily avoided, by declaring that so much of the old one is connected with any particular, for which it may be desirable to retain a priority, shall remain in force. This is a remedy so obvious that I flatter myself it will remove any difficulty in the way of a new negotiation.

Should an embarrassment still hang upon these points, I must entreat you to afford me an opportunity of meeting them before your communications are despatched to the committee of public safety.

I have the honor to be, sir, 
EDM. RANDOLPH.

No. 98.
Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. James Monroe, Minister Plenipotentiary at Paris.

DEPARTMENT OF STATE, September 12, 1799.

Sir: The office of Secretary of State being at present vacant by the resignation of Mr. Randolph, I have it in command from the President to acknowledge your letters, dated November 7th, 1794, January 13, February 12, 18, March 6, 7, 12, 13, May 7, 17, June 14 and 26, and to communicate such information as the present state of things appears to require.

We have already been furnished with a copy of the treaty lately negotiated between the United States and Great Britain; but, lest that should have miscarried, you will find another enclosed. This treaty has, after the most mature deliberation, been ratified by the President, on the condition proposed by the Senate, and has been transmitted to London. On the presumption that it will receive an equivalent ratification on the part of Great Britain, we shall not propose to treat further in the two following observations, unless the facts, and the opinions of the Government, especially as it appears probable, from your letters, and from the movements of disaffected persons here, that unfavorable impressions upon the Government and people of France may be apprehended. As we have ever been most sincerely desirous of cultivating friendship with that nation, the most prompt and candid measures were taken in every stage of the negotiation to produce tranquility and satisfaction, which the rules prescribed by custom in such cases would justify or permit. The result, now made public, will evince that the rights of France, whether founded on the laws of nations, or their treaties with us, remain unviolated and undisturbed.

The only case you have mentioned, and which was specially left to stipulate nothing with Great Britain contrary to the engagements of the United States to France, this part of the President's instructions was officially communicated to Mr. Fanchet, the minister of the republic, and independently of the obligation imposed upon our envoy, the honor of the Government became pledged to refuse the ratification of any article derogatory from our engagements to France, which might be inadvertently admitted by our negotiators. Accordingly, soon after the decision of the Senate had been given, and previous to the ratification by the President, Mr. Adet, the present minister, was furnished with a copy of the treaty, and requested to communicate his observations on it. A copy of his letter, and of the reply of the Secretary of State, are enclosed, by which you will perceive the nature of the objections which were urged, and that such explanations were immediately given, and such constructions adopted, as must have been satisfactory. We infer this from the explanations themselves than from the subsequent silence of the minister.

The late conduct of Great Britain, in seizing the vessels of the United States laden with provisions, and bound to France is, however, calculated to create inquietudes; it is therefore proper to explain the 18th article more
particularly as Mr. Randolph has done, especially as this part of the treaty has been misrepresented in this country as being unfriendly to France.

If it is to be supposed that the United States have a powerful interest in diminishing, by treaty, the catalogue of contraband articles as much as possible; to this they are invited no less by their pacific policy, which inclines them to cultivate and extend neutral rights, than by the operation of the law of nations upon several valuable articles of export, which would, probably, be suspended, if the treaty in question is accepted with its immediate interests; accordingly, the most zealous exertions have been uniformly made by the United States to establish principles favorable to free commerce. A time of war was, however, most unfavorable for this purpose, especially when the object, as in the present case, was to induce a powerful maritime nation to make concessions to the neutral and contraband trade.

The result of the negotiation with Great Britain has therefore shown that she will not relax, in our favor, from the strict maxims of the law of nations defining contraband, the principles of which are adopted in the treaty. Thus, though the power of several kinds of neutral property, in the British dominions, has, by special treaties, admitted to be articles of free commerce, yet it is believed that not a single one is included as contraband which has not been ranked as such by approved writers on the law of nations. It is not, therefore, correctly said that we have relinquished any neutral rights, the exercise of which would have been beneficial to the United States. It has been the hope of the British nation, that the treaty will be a proof of their intention to relax in this particular, and that the treaty has been received from them as such.

The treaty has barely recited in the list of contraband what was before so, under a law which we could not mitigate; and, though we were desirous of relaxing the rigor of this law, yet a recital of it, in the present treaty, was the best which could be done, and was necessary, in order to admonish our maritime and commercial citizens of a law which has so existed.

The second clause of the 18th article clearly refers to the doctrine asserted by Great Britain, that provisions may be contraband when destined to places not invested or blockaded. To this pretension, which is contrary to our interests, and, as we are inclined to understand, to the law of nations, especially in the extent in which the American United States could not accede. The opinions of our Government, on this subject, formerly expressed, are well known to you, being amply detailed in the correspondence of Mr. Jefferson and Mr. Pinckney, in the year 1793. Though we have not been able to induce Great Britain to relinquish her construction, we have taken the means of removing it; and in this particular, when our commerce, or the commerce of any neutral nation, is denominated to be contraband, shall become such, and, for that reason, be seized, they shall not be confiscated, but paid for, with a reasonable mercurial profit, including freight and the expenses incident to the detention.

It is obvious that, if the British construction of the law of nations were admitted to be just, the stipulation in the treaty that, under this construction, “the property of a neutral which shall become contraband, shall be confiscated,” must be regarded as a partial renunciation of our treaty rights. It will be perceived, by the article which we are about to point out, that, in this particular, the treaty is substantially what we have expressed it.”

This article was of such a nature as to be susceptible of being successfully resisted by force, is a question which it pertains to the proper authorities of the United States to decide. They are the exclusive judges and competent guardians of whatever concerns our interests, policy, and honor; and, on these subjects, they will never ask the advice, nor be governed by the counsels of any foreign nation whatever. We acknowledge ourselves bound to stipulate nothing which may derogate from our prior engagements. This we have not done by the present treaty, and this we will never do. Even in cases where we are not bound by treaty, we will not stipulate to surrender our rights, as a neutral nation, to the injury of our friends; but we must be left to determine in what manner we can most beneficially obtain an evil, and when it is proper for us to repel an injury. The peace of Europe is at this moment, to a great degree, suspended, and whether it will be a blessing, or a curse, to our nation, is a painful uncertainty. The dignified and manly manner in which the British Government has conducted the negociations of the present year, has become the admiration of all the civilized world, and every feeling is, that it is the union of our interests and British interests, that can render the present war happy to our nation. The British nation and Government have, we believe, the opinion in their favor.

The degree of security which we enjoy is well known to depend more upon the common wants of the nations at war, than upon any exactions which were an immediate cause of an offensive nature. Indeed nothing of this kind could be attempted by us without a total sacrifice of our commerce. How preposterous is that policy which requires us to abandon and destroy the very object, for the preservation of which we are invited to commence hostilities.

It may not be amiss to dilate on the consequences of our engaging in the war with Great Britain.

First. Seeing she has the command of the sea, (and appearances strongly indicate that she will maintain that command) our commerce might, in one year, be annihilated, and thousands of our seamen be shut up, or dying in gales of rage, and thousands of our citizens would be transported to the extremities of America to escape from the object so alluring and so available as the American commerce should present. If we look back to the two last years of our Revolution war, a judgment may be formed on this point. A striking defect in her naval arrangements, in preceding years, left our ports open for the enemy of commerce; for the equipping of privateers; and the shipping of the enemy. The whole of that period can be described by sentinels at the entrance of ports, which small privateers were hauled up, as no longer able to cope even with their armed merchantmen, and the larger privateers were taken. Our mercantile shipping fell, at the same time, a sacrifice to the vigilant operations of the British nation. The moment her naval power is extended beyond all former examples, while that of her enemies is, at least, not increased.

Second. Our landed, as well as commercial interests would suffer; beyond all calculation. Agriculture, above all the objects of our wants, would be suspended, or its produce perish on our hands. The value of our lands and every species of domestic property would sink.

Third. The sources of revenue failing, public credit would be destroyed, and multitudes of our citizens, now depending on its preservation, be involved in ruin. The people at large, from the summit of prosperity, would be precipitated into misery, which so often has been the case of nations who were, from the mismanagement of their affairs, such an object so alluring and so available as the American commerce should present. If we look back to the two last years of our Revolution war, a judgment may be formed on this point. A striking defect in her naval arrangements, in preceding years, left our ports open for the enemy of commerce; for the equipping of privateers; and the shipping of the enemy. The whole of that period can be described by sentinels at the entrance of ports, which small privateers were hauled up, as no longer able to cope even with their armed merchantmen, and the larger privateers were taken. Our mercantile shipping fell, at the same time, a sacrifice to the vigilant operations of the British nation. The moment her naval power is extended beyond all former examples, while that of her enemies is, at least, not increased.

Fourth. Under the circumstances mentioned, a war with Great Britain would be essentially injurious to France. We have a commercial treaty lined (as not without) with which we should be an end to our intercourse with France; and it is by our commerce only that we can give her any valuable aid. Men she wants not; and if she did want, we could not transport them. But while we continue our neutrality, the benefits we may render to France, and her colonies, are immense. And although the renewal of the order for commerce be a necessary consideration, yet the tenor of the 18th article of our late treaty with Great Britain, though with some a subject of clamor, will remedy, in a degree, the mischievous tendency of that order: for the article, far from giving a right to Great Britain to capture privateers on the American coast, when, by the law of nations, they may be declared to be a contraband of war. They are not to be confiscated, but paid for, with a reasonable mercantile profit. What will be the operation of this provision? Will it check or encourage adventures to France? We think the latter. For if our vessels reach the French ports, all the expected profits of the voyage will be gained. If they are taken by the British, we consider it as a good day for our shipping. Consequently, if we do not promote the exportation of provisions for France: for, in the event of arrival or capture, the American merchant is certain of making a profitable voyage.
States to obtain from her some stipulation, which, without admitting her claim, would not leave our commerce to future relations without any definite means of liquidation or redress.

Some men, forgetting their own professed principles, when they advert only to our relation to Great Britain, forgetting that they are the citizens of an independent State, have said that, while France, with whom we have a treaty of amity and commerce, was at war, it ought not to enjoy a similar treaty, by which our situation would be changed. But where is the principle, to support this rule? and where will it find any limits? We have treaties with many other Powers, one or the other of whom may be always at war: are we never then to make another treaty?

One has said, France will be displeased. This we should regret; for two reasons: one, because we really wish to please our old and friendly allies; the other, because we desire to see, and doubt not we shall see, her deportment towards us correspond with her own fundamental principle, that every independent nation has an exclusive right to manage its own affairs. All our external duties centre here—that in our new engagements we violate no principle of negotiation.

That France should manifest a watchful jealousy of any connexions we might form with her ancient and inveterate enemy, is perfectly natural. It is the same spirit which prompted her to afford us that efficient aid, which was so important to us, in achieving our independence. The breaking off so large a portion of the British empire, the powers of a formidable rival was essentially diminished. No wonder she should now be alive to the remotest prospect of re-union—not of government, but of interests and good will. But, to the following positions you may give all the solemnity of truth:

That the late negotiation has not proceeded from any predilection in our Government towards Great Britain. We abide by our original declaration respecting the British: “we hold them, as we hold the rest of mankind, enemies in war, in peace friends.”

Second. That from the remembrances of a long, bloody, and distressing war, from which we were just beginning to recover, and to taste the blessings of peace, whatever even seemed to tend to a renewal of it, was seriously deprecated.

Third. That there were many causes of difference between us and Great Britain, the adjustment of which admitted of no longer delay. One was the detention of the western posts, under a real or affected belief that the United States were the first to infringe the peace of 1783. From this detention resulted a bloody and expensive Indian war, a loss of revenue by a suspension of the sale of lands; and a deprivation of the fair trade. To these were added fresh excitements to a most destructive war, and the want of a fixed point of reference. Our different acts on the other hands had risen to a height that required an immediate remedy. War or negotiation were the alternatives. We chose the latter. Had this failed, war seemed scarcely avoidable. But in that case, these good effects were counted upon. The consciousness of using the proper means of averting so great a calamity; union among ourselves, when war should have been avoided; and division among others, who should have refused an amicable settlement of our just demands; besides which we gained time for preparation.

Fourth. That the commercial part of the treaty, though not unimportant, was but a subordinate object, and at the same time not a new measure. This is well known to every well informed citizen of the United States. It is a fact that a commercial treaty has been sought after ever since the peace; under the old Government, and since the establishment of the new one. It is a fact that, upon the arrival of Mr. Hammond, the British minister, and an intimation that he was empowered to enter into commercial arrangements, he was met with agility by Mr. Jefferson, the Secretary of State and when it was discovered that his powers extended only to an inconclusive discussion of this subject, disappointment and chagrin were the result. It may be added that measures have been proposed and supported in the Legislature, the sole object of which was, to force Great Britain into a commercial treaty.

Fifth. That the Government of the United States is sincerely friendly to the French nation. The latter doubts less here than the body of American citizens are well affected towards them. The belief is well founded. But it is equally applicable to those in the administration of the government. If any thing could weaken this general attachment, it would be a recurrence to such disorganizing projects and outrages on the sovereignty and dignity of the United States as marked and disgraced the ministry of Genet. The precipitate, and, in the main, ill-founded resolutions of a few small popular meetings, are not to be taken as true indications of the American sentiment; very different is the opinion of the great body of the people. These are beyond example prosperous, contented, and happy.

Where any symptoms of another nature have appeared, they are to be traced to ignorant or perverse misrepresentations of the treaty. This, as it becomes better understood, is more and more approved.

That the treaty would settle every point in dispute entirely to our satisfaction, and secure to us all the commercial advantages we could wish for, no reasonable man could expect. Our antagonists, too, have claims, opinions, and wishes. And where there are opposing interests, nations, as well as individuals, are likely to make erroneous estimates of each other. When, however, the great and important interests at issue are traced as we do, to our advantage, and weightier points more to our advantage, the terms as we see them were adopted. The Senate, after a very deliberate discussion and consideration of the treaty, in all its relations, advised its ratification, on the condition stated in their resolution; and that resolution has the approbation of the President.

His desire to afford them greater weight than any other wishes, we are disposed to think that his assent will be given: for it is the interest of Great Britain not to increase the number of her enemies, or to deprive herself of the benefits of a commercial intercourse with the United States. It is not less our interest to remain at peace. And the President, as the first minister of the republic, until he should have been removed, was the fact, they ought to have applied to some, and perhaps none, of the points here stated. It is. But as the women who have frequently discovered in similar cases, the promises I have made to prosecute those who should violate the neutrality of the United States, the punctuality with which these promises have been fulfilled, should have induced those officers to inform the functionaries of the French republic, even if it had not been their duty to do so,

With great respect, I am, sir, &c.

TIMOTHY PICKERING.

No. 29.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

New York, the 3d Vendémiaire, (Sept. 23, 1794, O. S.), 2d year of the French republic, one and indivisible.

Sir: A recent violation both of the sovereignty of the French republic, and of the treaties you have contracted with her, has just taken place at New York. Some men, in the employment of the custom house I suppose, went on board the Favorite, a French ship of war, and carried off effects belonging to the republic: one of the persons who executed this outrage being found guilty of the the sacrilege I was the fite of the 31st September with a stroke of his sword. His threats terminated by hoisting the flag of the corsairs. This was respected by the French; but ours was insulted in an outrageous manner. I request justice against the authors of this infliction of the law of nations. It is to a free Government I address myself, and I shall obtain it.

It is pretended, sir, at least from everything I can learn, that a privateer, fitted for a cruise, had deposited arms on board, and that this pretext was used for visiting and pillaging the Favorite, a vessel answering as a store ship for the military use of the United States. The conduct I have frequently discovered in similar cases, the promises I have made to prosecute those who should violate the neutrality of the United States, the punctuality with which these promises have been fulfilled, should have induced those officers to inform the functionaries of the French republic, even if it had not been their duty to do so.
Nothing can justify this outrage. If an unfaithful or weak keeper had committed a fault, it were sufficient to inform me of it; I should have delivered him to his proper judges, and the Americans would not have overlooked their rights, and offended an ally attached to them by so many ties.

Accept my esteem.

JH. FAUCHET.

No. 30.

Mr. Randolph, Secretary of State of the United States, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, September 25, 1794.

SIR: I regret extremely that any citizen of the United States, and, more especially, if he be in authority, should offer either outrage or insult to a vessel of the French republic. I have accordingly written to the attorney of the district of New York, to inquire into and report the facts, as you will perceive from the enclosed copy. The course might have been shortened by directing him to proceed in the case as the law directs. But this has not been adopted, because we wish to reserve to ourselves the decision in this particular, as it is suggested that a public officer is concerned, and we take an interest in causing justice to be done to the French republic, as far as possible, under our own eye.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 31.

Mr. Randolph, Secretary of State, to Mr. Harrison, District Attorney of New York.

PHILADELPHIA, September 25, 1794.

SIR: I have the honor of enclosing you the translation of a letter from the minister of the French republic, complaining of an outrage on a French vessel of war. Resolved, as we are, to act with good faith and friendship towards our ally, I must request you to inquire into the facts, and transmit what shall be found to be an accurate state of them, in order that Government may proceed to do what is proper and honorable on the occasion.

I am, &c.

EDM. RANDOLPH.

No. 32.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, November 17, 1794.

SIR: The Executive of the United States being obliged to collect information of facts at a distance through the public officers, and having a confidence in them, it was conceived sufficient, in the first instance, merely to transmit to you the evidence which had been obtained respecting the Favorite. Hence, in the letter which I had the honor of writing to you on the 22d ultimo, I did no more than note the enclosures, reserving any reflections until I should be ascertained on your part, whether the allegations were true.

The opinion which the President has formed relieves both you and myself of no small difficulty in comparing and weighing the testimony. He has thought proper to instruct me to inform you that, on the faith which he always reposes in your assertions, he takes these points for granted: that the Favorite is a public vessel of war, bearing the commission of the French republic; and that no contravention of the act prohibiting the exportation of military stores was meditated in the application of those which were found on board.

The President highly disapproves that a public vessel of war, belonging to a foreign nation, should be searched by officers of the customs, upon a suspicion of illicit commerce. The propriety of representing such a suspicion to the consul of that nation, or the commander of the vessel, will not be controverted, this being a course respectful and customary. A general instruction will, therefore, be given to pursue this course, with the view, that, if it should be ineffectual, the Government of the United States may adopt those measures which the necessity of the case and their rights may require.

A particular instruction, founded on the same principles, will be also forwarded to the collector of New York; with this addition, to discontinue the prosecution against the property, and restore what may be within his power or command. At the same time I must repeat the assurance which we entertain, that you will prevent the stores from being used in any manner contrary to the act before referred to.

I flatter myself, sir, that this reparation of what is past, and the precaution against the future, will manifest such a disposition in our Government as will induce you to approve the decision which a sense of justice imposes upon the President to waive any further measures: for the appearance and circumstances of the Favorite might have misled the best intended man into a misapprehension of her real character. And, in truth, something is due to the consideration that, in our new situation, it cannot be expected that all our officers should meet every occurrence with a correct knowledge of the usages of nations.

An insult to the French flag will not be tolerated by the President, whenever he can prevent or punish it. But the depositions do not place this subject in so clear a light as to prove its existence, or to designate the culpable person. It is the President’s purpose, therefore, to cause the officers of the customs to be admonished to respect your flag; and if this be not satisfactory, and you are still persuaded that an insult has been committed, I shall be ready to concur in any arrangement which may be convenient, for the full examination of such other witnesses as may be produced.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 33.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, February 7, 1795.

SIR: This moment I have received the enclosed copy of a letter from the collector of New York to the Secretary of the Treasury. Although the subject of the Favorite has been long ago adjusted, I think it proper to hand to you any explanation, which may come to my hands.

I have the honor to be, sir, &c.

EDM. RANDOLPH.
No. 34.
Mr. Lamb, Collector of New York, to the Secretary of the Treasury.

New York, November 29, 1794.

Sir:
I acknowledge the receipt of your favor of the 29th instant, respecting the articles seized on board the French ship the Favorite, and agreeably to your directions have ordered them to be restored.

At the time the seizure was made, the Favorite having been totally dismantled, her crew sent on board other ships of war, and her sails, rigging, and other materials, having been sold at public auction, she was considered as a hulk; otherwise, the event would not have taken place.

With respect to the charge, that the officers of the customs had pulled down the national flag on board of the above mentioned vessel, and hoisted another in its place, it is groundless, as will appear by the papers transmitted to the Secretary of State, by Mr. Harrison, the district attorney.

I am, with great respect, sir, &c.

JOHN LAMB.

No. 35.
Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

Department of State, August 14, 1794.

Sir:
Information has been given to the President of the United States that the privateer, called la Carmagnole, which has always been considered as one of those fitted out in opposition to the sense of our Government, is now in the river Delaware. This vessel is represented to retain still her warlike apparatus. It is probable that you have not been informed that she was ordered to quit our ports, or to be dismantled. But, notwithstanding this injunction, her military qualities are not yet laid aside, and she continues to go out and come into our ports. I am confident, sir, that you will disapprove of this proceeding, and that you will render it unnecessary for the President to execute the determination which he finds himself compelled to make, under the circumstances of the case, that la Carmagnole be dismantled. The readiness with which you complied with the wish of the Government on a similar occasion induces me to hope that you will issue orders for dismantling her; and prevent the President from taking on this subject, those measures which he wishes to avoid.

The expedition with which this privateer moves will naturally suggest to you the propriety of my requesting that your interference should be as prompt as possible.

I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 36.
Mr. Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State of the United States.

Philadelphia, 29th Thermidor, 3d year of the French republic, (16th August, 1794, O. S.)

Sir:
I inform you that the uneasiness testifed by the Government of the United States, relative to the Columbia, which was supposed to be in the Delaware, is groundless. This vessel received an order from me on the 4th instant to put to sea immediately. If she has not executed it, she must have been prevented by the English forces or by the necessity of making some indispensable repairs, before the voyage she is about to undertake.

Accept my respect.

JH. FAUCHET.

No. 37.
Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

Philadelphia, August 20, 1794.

Sir:
I should have done myself the honor before this day of transmitting to you a copy of certain rules, instituted by the President of the United States in relation to the belligerent Powers, if I had not taken it for granted that your intercourse with your predecessor had rendered it unnecessary. But I take the liberty of now enclosing them, as having a direct connexion with my letter to you of the 14th instant, and with your reply on the 16th.

The correspondence from the Department of State with Mr. Genet will inform you of the motives upon which these rules are founded. They have created a system of obligation on our part towards those Powers, and therefore require our attention.

But the Carmagnole (or Columbia) has been the subject of particular letters from Governor Clinton to Mr. Genet, and the French consul at New York; and the result has been an assurance that she should no longer offend those rules. This assurance has produced a great degree of anxiety that she should not now enter our ports, under the circumstances which were first offensive to the Government, and contrary to its sense, as has been often expressed concerning her. It is very far from the wish of the President that your despatches should be at any time interrupted. The step of dismantling which is desired is merely to fail in an engagement which has been frequently made.

Whether the Carmagnole be at present in the Delaware, we cannot at this place ascertain. If she has sailed, I have only to communicate to you the hope and expectation of the President that you will, by your orders, prevent her from returning to our ports in her military equipment. If she has not sailed, we must repeat our confidence that you will cause her to be dismantled. The rules above referred to will not permit an illicit privateer, as she has been deemed to be, to make any reparations within the United States.

Permit me to request an early answer to this letter, and to learn that you will direct the necessary measures to be immediately adopted, and cut off the painful necessity of measures, adequate to the end being pursued by the Government.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

No. 38.
Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

Philadelphia, 4th Fructidor, (21st August, 1794, O. S.) 3d year of the French republic, one and indivisible.

Sir:
I told you verbally, and repeat it in writing, that the Cornelia and the Columbia had sailed for France. Then my intention was, that they should not return armed into the ports of the United States. But they were compelled to take shelter by the pursuit of the English vessels of war, which at this time block up all your ports. It would be...
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as unjust as unreasonable to impute to them as a crime this return, which was rendered necessary by so unhappy a circumstance unless it be wished that these two vessels should become the prey of the English; and I avow it with profound sorrow, that I have been tempted to entertain this opinion, when I learnt that, at New York, orders had been given to the Cornelia immediately to quit that port, although it was known that two English frigates were to have seized her on her departure. But, sir, it is too painful for me to harbor a doubt injurious to the public officers of a free nation, to give myself up to this impression; and, at the same time, it is too grateful to me to prove with what strictness we fulfill our treaties and our engagements, to omit giving you the following details.

The first of these two vessels was the Cornelia, destined, to be there completely disarmed. The second, the Columbia, which was in the Delaware, departed thence on the 14th of this month. I am surprised, sir, that you were not informed of her departure, with as much care as you were of her arrival. Perhaps it was not the duty of the same person to give the two advices, which might have prevented your complaints against the Federal Government, if with so much exactness the new obligations which it has imposed upon itself, in relation to England, is not just to require from it the same scrupulous observance of sacred treaties, which it has long since contracted with France? Why, then, is an asylum refused to an unoffensive barque, which in its flight had thrown into the sea some of her cannon and of her water, when it is given, though against the tenor of these very treaties, to the vessels of war which have taken prizes from the citizens of the republic? Without doubt, sir, this violation, which is so fatal to us, takes place through forgetfulness only. It would be horrible to me to attribute it to any other motive; therefore, I content myself with subjoining here an extract of the 17th article, in order to recall it to your remembrance.

"Art. 17th. And on the contrary, no asylum or retreat shall be given in their ports or harbors to those who shall have taken prizes from the subjects of His Majesty or the said States; and if they are compelled to enter them by tempest or the danger of the seas, they shall be obliged to depart as soon as possible."

Neither test nor the danger of the seas have compelled the English vessels of war to enter your ports; notwithstanding, they have been there supplied; notwithstanding, they remain there to interrupt your commerce and our supplies; and notwithstanding, we are your nearest allies.

Accept, sir, &c.

J. H. FAUCHET.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, September 7, 1794.

SIR:—Feeling, and at all times acknowledging, as the President of the United States does, the obligations of our treaty with your nation; and banishing every consideration which comes into competition with them, he read, not without regret, the following passage in your letter of the 21st ultimo:

"Why, then, was an asylum refused to an unhappy barque, which in its flight had thrown into the sea a part of its cannon and of its water, while it was granted, contrary to the tenor of these very treaties, to vessels of war, which had taken prizes from us? Without doubt, sir, this is so fatal to us, as it is so fatal to us, has arisen from forgetfulness only. It would be horrible to me to attribute it to any other motive. I therefore content myself with subjoining hereto an extract from the 17th article, to recall it to your remembrance." &c.

There was, sir, during the existence of your predecessor's functions, a period at which we were obliged to summon all the strength and force of our friendship for the French republic, to combat the various forms of aggression which he offered to our Government. But let these be now buried in eternal oblivion, scaled, as it has been, by the justice rendered to our wishes, in the removal of him, and in the deporation of his successor. This period is therefore revived for a moment, merely for the purpose of referring you to those remonstrances which are to be found among your papers of office, and which speak the sensibility of the United States as to the equipment of priva-
teers within their limits. And it is recollected, even now, not from the most distant apprehension that the measure will be repeated under your countenance, but to point to the reasons which produced our solicitude on the occasion.

Except vessels of this description, all belonging to the French republic or French citizens, have been admitted into our ports with cordiality. Where an asylum in general has been refused to any, it was a consequence of an infringement of our sovereignty. If, in the particular instance to which you allude, the denial of asylum has been aggravated by circumstances of improper severity, it is more than we knew, until your communication: it is what the President would and most distinctly disapprove.

If your interpretation of the treaty of commerce be accurate, that is, if no ship of war, which had made prize of French vessels, could be received into our ports, still no complaint of this kind has yet reached the Executive of the United States from any functionary of France, or any other authority in the same. But it would be uncandid to conceal from you the construction which we have hitherto deemed the true one. The first part of the 17th article refers to French ships of war and privateers, entering our ports with their prizes: the second contrasts the situation of the enemies of France by forbidding such as shall have made prize of the French; intimating from this connexion of the two articles, that to remove their prizes, or to secure them by other means, is to infringe the 17th. This section of the treaty was principally destined to the withholding of protection or succor to the prizes themselves. Had it been otherwise, it would have been superfluous to have prohibited in the 20th article foreign privateers from seizing vessels at the request of the citizens of the United States.

Be assured, sir, of this truth: that it would be found a reflection to the President of the United States if our treaties with the French nation had ever been infringed with his assents and further, that, if they ever shall be, he will be ready, as he always has been, to hear and inquire, and to cause offences against them to be punished, errors to be rectified, and injuries to be duly compensated.

I have the honor to be, &c.

EDM. RANDOLPH.

Mr. Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 3d of the Sans Culottes, (18th September, 1794, O. S.)

3d year of the French republic, one and indivisible.

SIR:—In assuring me of the true sentiments of the President you do no more than confirm the opinion I have entertained of his virtues, and especially of his sincerity and attachment to the sublime cause of liberty, for which he has fought, as the French republicans are now fighting. It is very agreeable to me to partake of this opinion with all the French republicans, by laying my trust in the hands which I believe to have been made upon treaties which unite our two nations? He has not done the injury, he has refused the remedy. It was not then reproaches I made to him, but an opportunity I afforded him of exercising his natural inclination to do what is just and becoming the nation he represents, and by whom he is justly venerated.

In speaking of him, sir, you enter into a subject which I have been induced to avoid, by the necessity imposed upon me by circumstances that might have been discovered by your answer, and the reflections it contains; rendered necessary still more by the recent persecutions which the French are made to suffer by the servile submission of the subaltern agents of the Executive of the United States to the requirements of the French republic. Unfortunately I cannot, but I am embarrassed in the choice of facts which occur to support this last assertion. Before I cite them, it is necessary for me to correct an important error.
which has slipped into your despatch. You tell me, "If your construction of the treaty of commerce has deceived you," &c. This implies two facts, which I equally oppose. The first is, that the article which I have cited may be susceptible of several constructions; the second is, that I have given an arbitrary meaning to this article. You forsake these two constructions to stand upon a matter favourable to your enemies, a part of the treaty which it is necessary totally to refute, if your interpretation is adopted. I am thus forced to use the words as I do. I assert, when I say, that the import literally expressed is not the true import, and to substantiate an ambiguity for a very clear and positive statement.

Concerning the Prize.

"The first part of the 17th article relates to French ships of war and privateers, entering our ports with their prizes; the second presents a precise contrast. The connexion of the contrast which exists between these two clauses, therefore, intimates that the vessels forbidden are those which bring their prizes with them." But, it is not to be granted, I say, that this article is to require a construction. You will thereby see at once, that the said vessels (capturing) or their prizes, (which proves that both have an equal right to this privilege) cannot be arrested or seized, whether, &c. and, in the second part of the article you will find, "That, on the contrary, no vessel, &c. shall be thereby taken (to such as apply to think), but to such as capture," It may be well to observe to you, sir, that, by capturing, is always understood the whole fleet, and not the particular vessels of that fleet which may have made the prizes. The matter then is not alone, as you seem desirous of understanding it, to refuse all succor to prizes, but also to affirm, that they are entitled to such succor as they may seek. When you come in, being forced by stress of weather, or the danger of the sea, all proper means shall be used that they go out and retire from thence as soon as possible. Hence the want of repairs after a battle, of which a prize might be supposed to be the consequence, a desire to take in provisions, in order to prolong a cruise without returning to the ports of their native land, are not, as you esteem them, sufficient titles for our enemies to obtain an entry into your ports. Hence, the principal advantage which the allied nations wished mutually to assure to each other by this article, was not so much to make the difficulty of disembarrassing themselves of, or selling their prizes, felt by their enemies, as to prevent the practice of putting them back to their own country to virtual and supply themselves with provisions and water. This consequence naturally follows from the foregoing propositions, which would otherwise be without meaning and, therefore, would discover nothing but folly in the framers of the treaty, which is not susceptible. If their object was only to prohibit vessels of war to enter the ports of their friends, when the French prize-taking has been what you suppose, they would have formally expressed it; they would not have said, "Such as shall have made prize," but the vessels with their prizes. For my part, I cannot see in a treaty what it does not contain, and I cannot help seeing in a treaty what is clearly expressed. I closely adhere to the letter, when it has been done, in order to understand that the captors of French property should be driven from your ports. Nor English ships have made prizes: I thence conclude, that English ships should not find shelter in your ports: I thence conclude, that the asylum granted to them is a violation of our treaties. If it be true, as you wrote me, that the vessels on which the prize-taking was made, and my predecessors never complained of this violation, it was because, far from being, for causes of complaint, when we had reason, we have always respected the situation of the American Government, it was because the audacity and vexations, practised by the English against your commerce and the law of nations, increased in proportion as they gave you assurances of peace. It is far from the minds of the English to operate the long patience, which we owe to the ties of alliance between the United States and England, by making such acts of high-handedness, in fine, in which its prudence suggests to obtain justice; but I am grieved to see the commercial connexions of the French republic and the United States entirely dissolved by so many harassments. I am grieved to see the seizures which the English ships, at the make of a French frigate, are supposed to be bound for a French port. I am grieved to see the United States suffer in the silence of English proclamations, which are executed even upon their coasts. I am grieved that, even at this moment, an alliance between a free people and a Machiavelian Government is talked of. In supposing this rumor to be true, however monstrous such an alliance would be, if it were possible, it would rely so much on the sincerity with which the Executive of the United States keeps its engagements, as still to demand, with confidence, their execution.

An occasion now presents itself. Even adopting your construction of the treaty, it has just been violated at Norfolk. The French frigate Tenacious anchored there with a French privateer, called La Montague, which had been admirably furnished, in writing to the Governor of Virginia, against this infraction, and a length of time elapsed without the Governor’s desiring to give him an answer. I expect one from you, whereby I am, more surely, more, and, I say, with more favor, actuated in the sense which I consider to be the interest of your country, and which, I think, does no disservice to the public officers of the republic, that I am obliged to enter into some details relative to this affair. A Frenchman learned at Charleston the recapture of Guadeloupe; his first excitements excited him to go to the assistance of his newly arrived brethren; he purchased a sloop of a thirteen cannon, which he possessed before the purchase of the vessel. He notified the Governor of South Carolina of it, who, finding him armed simply for his own defence, and not for a cruise, made no objection. He sailed; an accident obliged him to go to Norfolk. He had narrowly escaped, when, on his way to that port, to be the protector of a man, which he supposed was an American papers belonging to the vessel he had bought it was justly observed to him, that, according to the laws of the United States, the transfer of a vessel to a foreigner made it necessary to give up the papers; he was then obliged, agreeable to the laws of France, to take out from the consulate a certificate of the purchase, to serve him until his arrival at the first French port. For the defense of his property he put on board, himself, and the American papers, I". *Newport.*
The French prize master wished to object to two English sailors, who, being improperly influenced, declared, under oath, that the French officer had killed a man at Charleston; and he was finally imprisoned.

Happily, the consul of the republic at Boston being informed of this strange persecution, sent his chancellor to Newport.

The chancellor found that, from just suspicions conceived against the two English sailors, and the impossibility of their giving security to appear at their criminal suit commenced against the prize master, they had been themselves committed to prison; that seeing themselves abandoned, uneasy about the consequences, perhaps repentent, they had confessed that their deposition was false; that, finally, they had retracted judicially, by confessions that they had been actuated by incitement; that, in the mean time, nobody was prosecuted but the two perjurers; and that the final enlargement of the prize master was defaced.

The chancellor, on his arrival, requested from the collector a communication of the papers of the prize; he requested him to send her to Providence, for the sake of greater security; and because an attempt had been made the night before, by the owner and the English sailors, to carry her off. He obtained neither, was obliged to protest, and went to Newport to claim justice from the Governor.

The Governor heard the case on the 20th of August. The English vice consul obtained its adjournment to a distant day, and appeared Nervous of gaining time. Finally, the prize was reserved to the customhouse; but, in the interval, she became injured, the costs of suit consumed a part of her value, and the privatesmen became discouraged.

I spare you, sir, an infinity of daily complaints, all of which equally disclose an extreme facility in a great number of the civil officers of the United States, of condensation to the first requisitions of the English agents, and who thereby second, no doubt involuntarily, the intrigues of our perpetual enemies. It would be very pleasing to me no more to be obliged to trouble you with the recital of the injustice and malevolence of which those men are the victims; who, after having harmed death, are compelled to submit to all the disgust of the most crouching charity, before they can obey the price of their blood; those men, finally, who are afraid of losing, in fulfilling the office of the lawyer, about which they know but little, that time which they might have better employed in purging your coasts of the pirates who devour your commerce.

Pardon, sir, the length of this dispatch; the importance of the matter which I have treated would not admit of any abbreviation by me, and had been set at liberty; but, in the interval, she became injured, the costs of suit consumed a part of her value, and the privatesmen became discouraged.

I spare you, sir, an infinity of daily complaints, all of which equally disclose an extreme facility in a great number of the civil officers of the United States, of condensation to the first requisitions of the English agents, and who thereby second, no doubt involuntarily, the intrigues of our perpetual enemies. It would be very pleasing to me no more to be obliged to trouble you with the recital of the injustice and malevolence of which those men are the victims; who, after having harmed death, are compelled to submit to all the disgust of the most crouching charity, before they can obey the price of their blood; those men, finally, who are afraid of losing, in fulfilling the office of the lawyer, about which they know but little, that time which they might have better employed in purging your coasts of the pirates who devour your commerce.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

Philadelphia, 10th Vendémiaire, (Oct. 1, 1793, O. S.)

Sir: I send you the answer given by Mr. Lee, Governor of Virginia, to the vice consul of Norfolk, who claimed the execution of the seventeenth article of the treaty of commerce between France and the United States. I shall be obliged by your informing me what the instructions are, which this Governor could have received from the President, or, at least, what is the issue of my complaints against the manifest violation of the article I have just cited. I beg leave to observe to you that the brevity of the letter of Mr. Lee affords me no satisfaction, and that, if the delay of any length of time in obtaining information, the justice I demand will be too tardy, and will afford the English frigates time to be supplied, and, finally, to brave the authority of your Government.

Accept my esteem.

J. H. Fauchet.

P. S. You will remark, sir, that the letter of the vice consul of Norfolk remained twelve days without an answer; and that, when complaints are made against prizes taken by our cruisers, two hours are enough for even unjust seizures to take place.

Richmond, September 13, 1794.

Sir: I had the honor to find here your letter of the 31st of August; and with very great pleasure will make necessary inquiries, and then pursue the conduct which the President's instructions enjoins.

I have the honor to be, &c.

Henry Lee.

A copy conformable to that which was sent to me by the vice consul of the republic at Norfolk.

J. H. Fauchet.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

Philadelphia, October 9, 1794.

Sir: I have had the honor of receiving your letter of the 1st instant, in which you are pleased to repeat the complaint contained in your letter of the 18th ultimo, against the English frigate Ternesochrome, carrying into Norfolk, in Virginia, as a prize, the French privateer La Mélisse. You remonstrate also upon the delay which the Governor of Virginia has shown in granting the relief required by the consul of the French republic, and desire to be informed of the instructions which have been given in this affair by the Executive of the United States, or at least of the issue of your application.

It was my intention to have replied to the case of the Ternesochrome, in the answer which I propose to make to your letter of the 18th ult. But I have no hesitation in delivering it to you, as my opinion, that her coming into our ports with a prize is inadmissible by our treaty with France. It is more. It is contrary to the rules which have been long ago prescribed by the President of the United States to the governor of the individual States, and which Governor Lee, in his letter of the 18th ult. to our consul Oster, undertakes to execute.

From the circumstances, however, of Governor Lee being possessed of standing instructions and powers, adequate to his exigency, and Mr. Oster having laid the matter before him, it could not be presumed that he had affected an unnecessary procrastination. Nor did you specify in your letter of the 18th ultimo, the interval between Mr. Oster's application and the retardment of Governor Lee's answer. Hence, it was known to me that it would require some time for a letter to pass from Norfolk to Richmond, the seat of government, for an answer to be returned from Richmond to Norfolk, and for the usual allowance for the possibility of the Governor's absence, (which now seems probable from an expression in his letter of the 19th ult. to Mr. Oster) I did not hold myself justified in expressing to him a suspicion of neglect. Without such a suspicion it would have been absolutely useless to address him, as he could have been merely instructed to make the necessary inquiries, and to fulfill the sense of the President; both which things he ought to accomplish, of course, upon being notified of the occasion.
As Governor Lee, in that letter of the 12th ultimo, promises to discharge the duties which are expected from him, I cannot doubt that he, or the Lieutenant Governor in his absence, has, before this day, completed the business, according to national faith. But that there may not be any impediment to the gratification of your wishes, I have the pleasure of enclosing to you the copy of a letter, which will be despatched by the mail of to-morrow to the Executive of Virginia.

I have the honor to be, &c.

EDM. RANDOLPH.

P. S. October 3. This letter was sent this morning.

No. 44.

The Secretary of State to the Lieutenant Governor of Virginia.

Philadelphia, October 2, 1794.

Sir:

It is with great mortification that intelligence has been received at the Department of State, from the minister of the French republic, that the British frigate Terpsichore has carried, as prize, into Norfolk, or some of our ports in its supposed vicinity, the Governor of Montague. Our minister with France has lately forbid the dispatching of a foreign ship of war under such circumstances. The rules which have been adopted by the President are pointed on this particular subject. What is due to all nations, we ought faithfully to render to the British; what is beyond the rights of the law of nations, we are under no obligation to perform, especially towards the British shipping, which is hourly destroying our trade; and more especially in defiance of a treaty which ought to be held sacred.

It appears, sir, by a letter from Governor Lee to the French consul at Norfolk, on the 12th of September last, that he had undertaken to make the necessary inquiries into the fact, and to do what the nature of the case demanded. The minister of the French republic is uneasy at the delay of the Governor's answer, and is led to apprehend, from thence, a more injurious delay in the effecting of the business. I have given him my ideas of the course of this affair, trusting and believing that the patriotism of the Executive of Virginia will not suffer this gross insult to the dignity.

Let me entreat you, sir, to exert the attachment, which I know your whole body to possess, to national faith, and to cause to be rendered to the French republic that justice to which it is entitled, upon the presumption that the facts, as stated, shall be found to be accurate. I have the honor to be, &c.

EDM. RANDOLPH.

No. 45.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

Philadelphia, the 15th Vendémiaire, (5th October, 1794, O. S.), 3d year of the French republic, one and indivisible.

Sir:

In proportion to the pain of complaining of the negligence and tardiness which are shown in many parts of the United States in the execution of the treaties which equally bind our two nations, is the pleasure of acknowledging the receipt of the despatch in which I found expressed, with the energy of a friend, the intention of the Federal Government to maintain the engagements which it has contracted with the French republic. I observe to you, however, that this intention will produce no effect, if you are obliged to notify it to the Governors every time that hostile vessels, with their prizes, shall enter the ports from their cruise; for these vessels would then have time to take in provisions for themselves and their prizes before the order of departure (which ought to be given to them immediately, for fulfilling the object of the contracting parties) can be notified to them. It does not require a long time to make the researches necessary for determining whether a vessel puts into a harbor only by force of the danger of the sea. This is a case in which a few hours sufficeth for obtaining information; and it appears to me that there is already a fault on the part of the Governors, or of those who are appointed to maintain the laws, that a demand must be made upon them for the execution of the instructions which they have received from their Government. They have failed in their duty, which prescribes a continual vigilance and attention to prevent any thing being done contrary to the laws or treaties of their country.

You will pardon, sir, these reflections, when you shall learn that an English frigate has just anchored in Hampton roads, with two French privateers, as prizes. If, on the very day of her arrival, she has not been directed to depart immediately; if there must have been long inquiries beforehand, and the consul must have written in the first instance, the English will have had time to revictual, and supply all their wants; and the article of our treaty, which, at first sight, seems necessarily to be so disadvantageous to them, will in no respect control their piracies.

To crown the system of robbery which they have invented, nothing more will be wanting than to carry into your ports the vessels which they shall have taken from yourselves; since they already conduct thither, in spite of your laws, those which they have taken from your allies. Accept, sir, my esteem.

JH. FAUCHET.

No. 46.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

Philadelphia, October 10, 1794.

Sir:

Believing that effect cannot be given to the intimation expressed in your letter of the 6th more decisively than by an instruction to the Governors, I have the honor of enclosing to you a copy of my circular letter to them, and of being, with great respect, &c.

EDM. RANDOLPH.

CIRCULAR:

No. 47.

The Secretary of State to the Governors of the several States.

Philadelphia, October 10, 1794.

Sir:

Although I cannot doubt that the treaties of the United States with France will be respected by your excellency, according to the obligations of good faith and sincere friendship, yet I must take the liberty of recommending to your particular attention the 17th article of the treaty of commerce. Mr. Fauchet, the minister of the French republic near the United States, apprehends, from circumstances which have been experienced, that, unless prompt and decisive measures are adopted, in the several ports, in regard to vessels hostile to the French nation, and bringing in French prizes, this branch of that treaty will become null. It cannot require much time to go through the
necessary examinations; and, therefore, I must entreat your excellency to enter into such arrangements for the execution of this member of the treaty, and the correspondent rules of the President of the United States, as will effectually prevent, under those circumstances, hostile vessels receiving comfort and succor, contrary to solemn stipulations. It will not escape your observation that, if adequate measures should be delayed, in the ports distant from your excellency, until you can be notified, and forward special instructions adapted to each case, the opportunity of enforcing the treaty will be lost. I have the honor to be, &c.

EDM. RANDOLPH.

No. 48.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

PHILADELPHIA, October 19, 1794.

Sir: I do myself the honor of transmitting to you the copy of a letter from the Lieutenant Governor of Virginia, in answer to mine of the 3d instant, upon the subject of the British frigate Terpsichore. I have the honor to be, sir, &c.

EDM. RANDOLPH.

No. 49.

Lieutenant Governor Wood to the Secretary of State.

RICHMOND, October 10, 1794.

Sir: I have the honor to acknowledge the receipt of your letter of the 3d instant. I am not enabled, at present, to give you the information I could wish with respect to the British frigate the Terpsichore. Before the Governor left this place, he received the information which you mention, from the vice consul at Norfolk; and, in his character of commander in chief of the militia, assured Mr. Oster, in a letter of the 12th ultimo, that "he will make the necessary inquiries, and then pursue the conduct which the President’s instructions enjoin." My not receiving any communications respecting the Governor’s inquiries, I naturally concluded the frigate had been ordered to depart, and had complied with the injunction. I have now given the most pointed instructions to the commandant of the militia at Norfolk, to make immediate inquiry into the facts, and report the same to the Executive; and that he, in the mean time, cause to be rendered to the republic of France that justice to which it is entitled. I have written to the vice consul on the subject, and have requested him to make me acquainted with all cases of a similar nature which may hereafter occur. I have the honor, &c.

JAMES WOOD.

No. 50.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph.

PHILADELPHIA, the 12th Phidias, (January 31, 1795, O. S.) 3d year of the French republic, one and indivisible.

Sir: It is now the third time that English vessels, notwithstanding my representations, have anchored, with their prizes, in the Chesapeake. I am assured that the French corvette l’Esperance has been conducted into Lyn Haven Bay by the Argonaut. The fact is, that the latter vessel sailed from the Chesapeake in order to capture the corvette belonging to the republic, returned after that expedition, and is even at this moment sheltered there. You assured me, sir, that the most positive orders had been given, to prevent future violations of the treaties; notwithstanding that assurance, the outrage is again renewed, and, what is more, the English vessels, which should remain in your ports only to receive succor strictly necessary to enable them to gain the nearest national port, have remained stationary in them. At their return from a cruise on your coasts, where they capture your own vessels, they procure their provisions, their supplies, in the United States: and may, also, as has just happened, even when driven in by stress of weather, and when asylum is given to them, obstruct your and our commerce. In a word, they appear to be ramps established to cut off all communication between your country and mine. This contravention of the contract which binds our two nations can no longer be tolerated. I expect, sir, your answer, that I may communicate to the French republic the motives for a conduct which will affect it so much the more, as hers is all friendship, all justice, towards the United States.

Accept my respect.

JH. FAUCHET.

No. 51.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, February 1, 1795.

Sir: Permit me to refer to the enclosed copy of my letter to the Governor of Virginia for an answer to your favor of the 31st ultimo. Indeed, sir, if I could more strongly express to you the mortification which I have experienced from these events, I would do so: for I contemplate such a violation of our treaty with abhorrence.

I have the honor to be, sir, &c.

EDMUND RANDOLPH.

No. 52.

The Secretary of State to the Governor of Virginia.

DEPARTMENT OF STATE, February 1, 1795.

Sir: It is, with the greatest regret that I am constrained to transmit to your excellency the enclosed copy of a letter from the minister plenipotentiary of the French republic. You will find, sir, that it contains most heavy complaints against the indulgence understood to have been shown, in the ports of Virginia, to British vessels of war, which have made prize of French ships. The files of the council of state will support me in representing to the minister, that I had taken the liberty of urging the Executive of Virginia, on the 3d and 10th of October last, to wipe away a similar imputation on our national faith. Not having been enabled to communicate to him any result, in consequence of those letters, I have felt great embarrassment how to answer him on the present occasion. But, sir, confiding in the patriotism of the Executive of Virginia, and being persuaded that it must be painful to them to tolerate the violation of our treaty with France, in so delicate a part, I shall assure him that the most speedy and effectual measures are recommended to your excellency.
Of those measures you are the best judge, being upon the spot, and within the reach of the most accurate information. But I cannot forbear to add, that, as delay must be destructive of the object, it will probably be advisable for your excellency to send down some confidential officer, who may act with promptness and decision, without encountering the inconvenience of being obliged to send and receive express orders to and from Richmond.

And have the honor to be, sir, &c.

EDMUND RANDOLPH.

No. 53.

The Secretary of State to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, February 24, 1796.

Sir:

I have the pleasure of transmitting to you copies of the despatches which I received by the last mail from the Governor of Virginia, relative to the complaint which I some time ago forwarded to him from you.

I have the honor to be, sir, &c.

EDMUND RANDOLPH.

No. 54.

The Governor of Virginia to the Secretary of State.

RICHMOND, February 13, 1796.

Sir:

I am extremely concerned that any seeming inattention to the treaty of the United States with France should be attributed to the Executive of Virginia: I, however, flatter myself that an investigation of that subject will totally exculpate them from having, in any instance, authorized an imputation on our national faith.

Although divested of effectual means to prevent, in all our ports, the acts of the citizens or subjects of the belligerent nations, which may contravene an article of the treaty, I trust the enclosed transcripts of the several and repeated letters and instructions on the subject will satisfy the minister plenipotentiary of the French republic, as well as yourself, that the Executive have made every effort to render such instances as few as possible, and on every occasion to remedy them where they have occurred.

Of the act now particularly complained of by Mr. Fauchet, your letter of the 1st instant, with its enclosure, communicated to us the first information; nor will this be a matter of surprise, when the relative situation of Lynnhaven Bay is considered.

The information has now been submitted to the consideration of the Council of State, and that no delay may prevent the application of such remedy as is attainable, and the circumstances of the case may, on further investigation indicate, they have advised that I shall become personally the agent in the business: in consequence of which, I intend to set out to-morrow for Norfolk, and, on my return, or, as soon as the object of my journey is at all effected, you may expect a further communication respecting it.

In the mean time, I must request you will be so obliging as to make Mr. Fauchet acquainted with the step determined on, as well as the contents of the enclosed, and assure him that, independent of their sense of national dignity, and the obligation arising from particular stipulations, the Executive of Virginia will never want inclination to render to the French republic every act of friendship as well as justice, which is compatible with their political situation.

I have the honor to be, &c.

RT. BROOKE.

No. 55.

CIRCULAR.

To the Commandants of Counties in which are Ports of Navigation.

RICHMOND, June 8, 1793.

Sir:

The President of the United States having called on me, in my character of commander-in-chief of the militia of this State, to be ready to suppress any attempt or attempts which may be made, within the limits thereof, to violate the neutrality he has declared in behalf of the people of the United States towards the belligerent Powers, I consider it my duty to communicate the same to the commandants of the militia of those counties whose local situation may require it; together with the sentiments expressed by the President on this occasion.

He has declared that the treaty existing between the United States and France, and the treaty existing between the United States and Holland, do not authorize those Powers to arm vessels within our ports; therefore, any attempt on the part of the belligerent Powers, or their subjects, to do so, will be a violation of the neutrality.

In all such cases, you will, therefore, be pleased to interpose with your militia, seizing and detaining any vessel which you may find, within the limits of your county, commissioned, equipped, and manned as a privateer, on behalf of any of the belligerent Powers, or of their subjects; and you will also interpose in all acts of hostility which may happen between the belligerent Powers, detaining the party first aggressing.

In any event of this sort, you will be so good, without loss of time, to communicate the case to me, with all the evidence legally taken in writing, appertaining thereto, that I may transmit the same to the President of the United States, whose decision, when known to me, will be forwarded to you.

I have the honor to be, sir, &c.

HENRY LEE.

No. 56.

CIRCULAR.

To the Commandants of Counties in which are Ports of Navigation.

RICHMOND, August 22, 1793.

Sir:

It having been decided by the President of the United States that no armed vessel, which has been, or shall be, originally fitted out, in any port of the United States, as a cruiser or privateer, by either of the parties at war, is to have asylum in any of the ports of the United States, in case any vessel within the foregoing description should arrive in any port or harbor within the limits of your county, you are to cause her to be ordered to depart immediately, and in case of her refusal, you are to take effectual measures to oblige her to depart. Force is not to be resorted to, until every proper effort has been previously made to procure the early departure without it. If any such vessel or vessels shall have sent or brought, subsequent to the 5th instant, or should hereafter send or bring any
prize or prizes into any port or harbor within your county, you will cause such prize or prizes to be immediately seized by the officers of the United States, for the purpose of being restored to the former owners. The following are the names of the privateers comprehended within the meaning of this letter, that have hitherto come to the knowledge of the Government of the United States:

Citizen Genet, Fitted out at Charleston, S. C.
Sans Culotte, Fitted out at Philadelphia.
Vainqueur de Basile, Fitted out at Philadelphia.
Petit Democrat, fitted out at Philadelphia.

Carmagnole, fitted out at Delaware.

You will be pleased to transmit in writing to the Governor, all the cases, with the evidences thereon, which may occur in pursuance of this communication.

I have the honor to be, &c.

JAMES WOOD.

No. 57.

The Lieutenant Governor of Virginia to the Vice Consul of the French republic at Norfolk.

RICHMOND, October 9, 1794.

Sir: The communications made by you to the Governor, respecting the British frigate the Terpsichore, he took up as commander-in-chief of the militia, before he left this place; and, I presume, instituted the inquiries which he promised to make in his letter to you of the 13th ult. As the result of those inquiries were not communicated to me, I concluded the British frigate had been ordered to depart, and had done so. I have just now received a letter from the Secretary of State, on the subject of the Terpsichore, and have now given the most pointed instructions to the commander of the Norfolk militia, on the subject of it, and which have been requested by you to communicate to you.

I entreat, sir, that you will be so obliging as to make me acquainted, without loss of time, of all cases of a similar nature which may hereafter occur, and hope that you will be persuaded I shall always feel a particular gratification, on all occasions, to render to the French republic that justice to which it is entitled.

I have the honor to be, &c.

JAMES WOOD.

No. 58.

The Lieutenant Governor of Virginia to Thomas Newton, Esq. commandant of the militia of Norfolk.

IN COUNCIL, 9th of October, 1794.

Sir: I have received a letter from the Secretary of State, dated the 3d instant, stating that he had been informed, by the minister of the French republic, that the British frigate the Terpsichore had carried as prize into Norfolk, or some of our ports, the French privateer la Montagne. Our treaty with France positively forbids the admission of a foreign ship of war, under such circumstances. The rules which have been adopted by the President are pointed on this particular subject. Those rules have been communicated to you by the Governor's circular letter of the 5th of December last, to which I beg leave to refer. What is beyond the rights of the law of nations, we are under no obligation to perform, especially towards the British, shipping, which is hourly destroying our trade; and more especially, in defiance of a treaty which will not be held sacred.

I beg, sir, that you will, as commandant of the Norfolk militia, be pleased to inquire into this case, as well as all others of a similar nature, and report the same to the Executive, with all possible dispatch; and that you will, in the mean time, cause to be rendered to the French republic that justice to which it is entitled, upon the presumption that the facts, as stated, shall be found to be accurate. This case was taken up by the Governor, in his character of commander-in-chief of the militia, before he left this place, upon the representation of the vice consul of Norfolk. I find by the Governor's letters to Mr. Oster of the 12th ult. that he assures him, "he will make the necessary inquiries, and then pursue the conduct which the President's instructions enjoin." Not having received any communications respecting the inquiries made by the Governor, I naturally concluded the frigate had been ordered to depart, and had done so.

May I beg the favor of you to communicate the contents of this letter to Mr. Oster, and to Mr. William Lindsay, the collector of the port of Norfolk. I have the honor to be, &c.

JAMES WOOD.

No. 59.

The Lieutenant Governor of Virginia to the Commandants of the militia of the borough of Norfolk, and of the counties of Norfolk and Elizabeth City.

IN COUNCIL, 25th October, 1794.

Sir: The minister of the republic of France is apprehensive, from circumstances which have been experienced, that, unless decisive measures are adopted with respect to vessels hostile to the French nation, bringing into our ports, French prizes, the 17th article of the treaty of commerce will become null.

I beg, sir, to call your particular attention to that branch of the treaty, as well as to the correspondent rules of the President of the United States, communicated to you in the Governor's letter of the 5th of December last; trusting that you will pursue measures to prevent, under those circumstances, hostile vessels from receiving comfort or succor, contrary to solemn stipulations.

I have the honor to be, &c.

JAMES WOOD.

No. 60.

Lieut. Colonel Willis Wilson to the Governor of Virginia.

PORTSMOUTH, January 3, 1795.

Sir: I beg leave to enclose your excellency a copy of a note from the British consul to the collector of the customs of this port. The collector, it seems, thought himself unwarranted to do any thing in the business. I was applied to by an officer of the customs respecting a consular's request, or demand, and conceived it my duty to give orders to the commandant of the forts not to suffer the frigates to pass until your excellency's orders were had thereon. It is also my duty, for the sake of tranquillity, peace, and order, to make known, that the commanders of this British Majesty's ships have rendered themselves very obnoxious to the citizens of these two towns, as well as others, by lawless depredations on their property, and tyrannical impressments of native seamen; that there now lie at our wharves three French ships of war, with crew to amount of six or seven hundred men, the British ships in question, if allowed to come up, must also lay at the wharves, to go through their repairs; consequently the necessary subordin-
tion cannot be had, by the officers of either party, over their seamen; I am, therefore, very apprehensive, in such case, of dangerous consequences. In short, I think it very imprudent in the British to throw themselves in a port where there will be so great a majority of people with whom they are at war; for it is not in the power of the British to keep order, or protect their neutrality; I am sure it is not the case with this. If, therefore, they are entitled to repairs in our ports, I humbly conceive Yorktown, or any other port where there may not be so large a concourse of French citizens, a much more eligible place for them. I will be very thankful to your excellency for advice, whether the brigadiers have an existing command over the respective counties, or whether that command is vested in the lieutenant colonels, and the brigadier generals confined to the brigades?

I have the honor to be, &c.

WILLIS WILSON, Lieut. Colone.

No. 61.

Mr. Hamilton, British Consul at Norfolk, to Mr. Livings, Collector of the Customs.

British Consul's Office, Norfolk, January 2, 1793.

Sir:

His Majesty's ships Thetis and Cleopatra having received some damage, it will be necessary for them to have repairs before they can again proceed to sea. I have to inform you that both ships are expected here the first fair wind for that purpose, and I presume they will be permitted to pass the forts into this harbor.

I am, with respect, sir, &c.,

W. M. LINDSAY, Esq.

No. 62.

The Lieutenant Governor of Virginia to Lieutenant Colonel Willis Wilson, Commandant of the Militia of Norfolk county.

In Council, January 7, 1793.

Sir:

The letter which you addressed to the Governor, the 3d instant, has been received by me, and submitted to the consideration of the council of State. The board conceived that ships of war, circumscribed as those mentioned by the British consul, may be permitted to enter our ports, and to make the necessary repairs to fit them for sea; provided they have not made prizes of the subjects, people, or property, of France, and 'coming with their prizes into the ports of the United States.' If any circumstances should occur, which may be subservient of the tranquility of the place, the law gives you ample powers to call forth the militia for the suppression of it.

I have the honor to be, &c.

JAMES WOOD.

CIRCULAR.

The Secretary of State to the Governors of the several States.

Department of State, April 16, 1793.

Sir:

As it is contrary to the law of nations that any of the belligerent Powers should commit hostility on the waters which are subject to the exclusive jurisdiction of the United States, so ought not the ships of war, belonging to any belligerent Power, to take a station in those waters in order to carry on hostile expeditions from thence. I do myself the honor, therefore, of requesting of your excellency, in the name of the President of the United States, that, as often as a fleet, squadron, or ship, of any belligerent nation, shall clearly and unequivocally use the rivers, or other waters of the United States, as a station, in order to carry on hostile expeditions from thence, you will cause them to be notified to the commander thereof, that the President deems such conduct to be contrary to the rights of our neutrality; and that a demand of retribution will be urged upon their Government for prizes which may be made in consequence thereof. A standing order to this effect may probably be advantageously placed in the hands of some confidential officer of the militia; and I must entreat you to instruct him to write by the mail to this Department, immediately upon the happening of any case of the kind.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 63.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

Philadelphia, the 13th Floréal, (May 2, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir:

On the 24th of February last I received the copy of the despatch which the Governor of Virginia transmitted to you. Doubtless your object, as well as his, was to prove the exertions made use of to satisfy the complaints which I have raised against the violation of our treaties, three times repeated in the Chesapeake. I was not a little astonished to see, among the documents you sent me, as a proof of those exertions, the prescription pronounced in 1793 against French vessels armed in the ports of the United States. I do not require this order of the Government to be persuaded of the promptitude with which justice is done to the complaints of English agents.

Since my arrival here, a single allegation from them, whether founded or not, has been sufficient for causing the prizes of our privateers to be arrested, which our treaties sheltered from every kind of prosecution; and, far from using the same coercive means towards the English, when they sent prizes made upon us into your ports, even the severity which your treaties with us impose, has not been exercised towards them. In a word, the militia have, as yet, been assembled only to support the detention of French vessels or of their prizes so that, on a single suspicion, the requisitions of the English have been obeyed, and we, with positive facts, have not been able to obtain justice. I waited the effect of the promises made to you by Mr. Brooke, in his letter of the 19th of February last. After an anxiety of two months, far from receiving the satisfaction which I had a right to expect, I am informed, that a French privateer and two of her prizes have just been carried into Hampton. I hesitated, sir, to testify to you my indignation against this new audacity on the part of the English, at the very moment when their Government is boasting of having become the friend of your country, and that hesitation arose from the little success produced by my reiterated complaints. I once more recall them to you here, sir, and may this be the last time that I shall fulfill that painful duty.

I claimed the execution of our treaties, violated by the putting into Norfolk of ships which captured American and French vessels, laden with provisions, and bound to France, under convoy of the Concord. Far from according to my demand, you took the trouble to interpret the treaty in favor of our enemies, and that unfavorable interpretation
tion could not defend a single vessel of the capturing division, since, even in your construction, it had contravened the 17th article of your treaty with France, by taking into Hampton the privateer La Montagne. Hence Governor Lee did not, till after some time, answer the claim of the consul of the republic in Virginia, and contented himself with making some vague promises, of which you yourself, sir, have never yet discovered the effect. Mr. Lee, doubtless, supposed that his promise alone should content and satisfy the just claims of the agents of the French republic, since he has not thought proper to inform his own Government of the measures he was to take for accomplishing his promise given to fulfill the instructions of the President.

Soon after, I had a new opportunity of reiterating to the Executive of the United States my hitherto fruitless complaints against the violation of our treaties: an English vessel, which had put into Hampton, quitted that port on the information of a pilot, in order to go and capture L’Esperance, a corvette of the republic, and an American vessel which appeared in the opening of the bay: she again entered the bay with the corvette; re-armed her there; and sent her out on a cruise. I protested against this surface infraction, and was still answered by promises; and these promises are yet not fulfilled. The Argonaut is also permitted with impunity to defy your magistrates, who doubtless required her to go out, that being their duty. Further: the Thetis, on returning from her piracies against your own vessels, is permitted to repair completely in your ports the considerable damages which she received in the arbor of her pursuit, whilst the 17th article of her treaty is fully opposed to it, as well as to the asylum which you allowed, in general, to Admiral Murray’s division: for, in a word, sir, all the vessels composing this division have taken French and American vessels, under the single pretext that they were laden with French property. Whether the allegation, as to the latter, be true or false, the captors should be driven from your ports. If they be robbed you, one does not receive brigandis in the house they have pillaged. If they have seiz’d our property, our treaty is pointed in that respect.

After so many useless efforts, sir, you must be sensible of the pain I experience in tracing to you a picture, so different from that offered by the French republic, whatever justice towards you is in question, even though the interests are compromised. It was when a terrible war was incessantly devouring her that she rigorously fulfilled her treaties with you; in this instance she demands but justice, and cannot obtain it. On the contrary, she sees her enemies admitted to an intimacy with you at the moment in which your commerce and your sovereignty are alike insulted by them; at the moment when, adding decision to injustice, they despise you anew upon the seas; when they promise to indemnify you for former acts. This reflection, sir, becomes much more grievous when we see posted up under your eyes the official legalisation of a proclamation, which prohibits your commerce with our vessels, and you alone among the nations know, sir, what respect imposes as to what immediately interests your affairs and your relations as a people; but I cannot entirely pass in silence the treaty stipulations, to which the republic is no stranger, because they are directed against her; and that, by subscribe by an excess of courtesy to such orders, were to quit the neutral position which the Americans profess. Examine, I pray you, sir, whether this neutrality can be said to exist, when, on the one hand, you can no longer maintain your treaty; and on the other, you are obliged to abandon your relations exclusively to the discretion of England, who doubtless will soon declare all the universe blockaded, except her possessions. What account do you conceive I can render to the French Government of the means you take for rendering your neutrality respectable? Yet, on that, my instructions insist, and it is on that, more especially, that France is uneasy. I fail not to remind you of the convulsions which I have had the honor of having with you on this subject; still less should I call to your recollection the verbal promises which you have repeatedly made, especially at a certain period of a more honorable state of things, which we entertain the hope you will not have forsaken. All America now knows the result of this measure. The same acts which produced it still exist, since it has taken a form which at first was not announced, but from which, moreover, more had been expected.

I hasten, sir, to quit a subject which I began but with pain, and with respect to which I know my obligations. I return, sir, to the treaty, to which I have more or less been led me more or less by my necessities.

I hope, therefore, sir, that the Executive of the United States will not be satisfied under its treaty concluded with England, since every thing proves that that mean is insufficient. I likewise hope that your ports will henceforward be shut against vessels which enter them in contravention of the treaties uniting our two nations. I also hope, that the President, who has so often promised me through you that he would support the treaties in question, will not order his treaties, upon which I have no shadow of a doubt, be finally fulfilled; in a word, I hope that my claims, so often and so many times repeated, will be attended to, so much the more as they are just, and as for several months I have not ceased to present them to the cold impartiality of your Government.

Accept, sir, &c.

J. H. FAUCHET.

No. 65.

Joseph Fauchet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 4th Prairial, (May 23, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR: It is now twenty-one days since I had the honor of writing to you, and eight since you promised an answer to my letter. It gives me pain to be obliged to remind you of this promise. An event announced in the gazettes proves how much the complaints I have made required an immediate attention. If, against the tenor of the treaties which you have hitherto invoked in vain, an English fleet, employed upwards of ten months at the entrance of your ports, intercepting French property, real or supposed, and even frequently conducting prizes into your bays, had not received a constant asylum in the United States, with the liberty of supplying themselves with provisions and of re-arming their vessels, they could not have endured the exigency which France has been obliged to put upon her resources.

I experience unpleasant sensations, sir, when I observe that such acts are repeatedly repeated on your coasts only as the sequel to the violation of our treaties, notwithstanding my reiterated representations; and notwithstanding the religious punctuality with which the French republic keeps her engagements with a nation to whom she has not ceased to signify her attachment.

Accept, sir, my esteem,

J. H. FAUCHET.

No. 66.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, May 29, 1795.

SIR: As soon as I had submitted to the President of the United States your letter of the 2d instant, with which I was honored on the 4th, he instructed me to search the files of my office for a negotiation by which, on that occasion, what he has done on every other of a similar nature. This has been to weigh the complaints of foreign ministers with temper and impartiality; to explain misconceptions with frankness; to rectify real errors; to compensate where compensation was due; but to stand firm to the impious dictates of national honor.

I have obeyed his command, with an anxiety to convince the French republic that we have kept pace with our obligations, but with a resolution to resist my reply upon facts, simple and unreserved, and upon seeking, no lustre from a fervency of style. This, sir, is the result.

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First. The order of 1793, prohibiting "the original arming and equipping of vessels in the ports of the United States by any of the belligerent parties, for military service, offensive or defensive," was transmitted to you, as a副本, in the first quarter of the present year, and the Government of Great Britain, fully aware of the more remote from my imagination, than that this order could awaken the discontent which generated the early discussions with your predecessor.

It was announced to Mr. Genet in May of that year and its principle has never been since assailed; as far as I remember, without the authorization or permission of the executive. It is, therefore, our purpose to carry the instructions to our minister in Paris on the 16th of August, 1793, which was communicated to the French Executive, assigns to this subject a prominent rank for consideration. Permit me, therefore, to refer you to a letter from this Department to Mr. Genet, on the 5th of June, 1793, wherein you will find the decided sense of the President of the United States, in the act of arming and equipping the grounds of this present nation, with whom they are at peace, is incompatible with the territorial sovereignty of the United States; that it makes them instrumental to the annoyance of these nations; and whereby tends to complicate their position. Permit me also to refer you to an act of Congress on the 5th of June, 1793, on the subject of rovers, or captains, or owners, of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, to cruise or commit hostilities upon the subjects, citizens, or properties, of another foreign Prince or State.

To open afresh the disagreeable scenes of that day, is a task which we did not expect, after the disapproval manifested by your republic towards the chief actor; and more especially after the forbearance of the President, who, having no personal impulse to indulge, discovered, as is known, sir, to you, no desire to embrace the opportunity presented of the execution of the order, whatever it may be, in either place, and armed, or knowingly to be concerned in the furnishing, fitting out, or arming, of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, to cruise or commit hostilities upon the subjects, citizens, or properties, of another foreign Prince or State.

Both of the above orders for the execution of which, by the President, the order ought to become exceptional to one nation, because, by its operation, "right" is done to another, we still hold it to be reconcilable with unalloyed faith and essential to an honest neutrality.

If French armaments in our ports in any manner violate the provisions of the order, if the execution of it has been prompt; it is because, in the one instance, an expeditious remedy was practicable; and in the other, scarcely any but French cruisers were attempted to be there equipped; although examples are not wanting of British cruisers being in like manner disarmed. Every contrast, therefore, is unfounded between our presumed rapidity of motion and a tardy and questionable execution towards other Powers.

Second. But, sir, you have drawn a conclusion, inadmissible by us, under any aspect. You have ventured to intimate a predilection in our Foreign Office for Great Britain; and to fortify the impression by these suggestions: 1st. That, "ever since you have been here, single allegations have been made by your privateers, although our treaties should shelter them from every pursuit." 2d. That, "far from using the same means of coercion towards the English, when they send into our ports the prizes made from the high seas, the rigorous treatment and manner of justice which our treaties demand, has not been exercised." 3d. That, "the prize list as yet has not been published only in the case of a few vessels," 4th. That, "under our eyes is fixed the official legalization of a proclamation, which interdicts to us a commerce with your colonies, and suspends as to us alone the law of nations." 5th. And "that the United States quit, the neutrality which they profess, by subscribing, through an excess of circumspection, (menagement) a mandate like this and by being unable, on the one side, to maintain their treaties, and by being obliged, on the other, to abandon their relations exclusively to the discretion of England." You lastly allude to our treaty with Great Britain, as if it ritually the suspensions, so profusely strobed in every page of your letter.

First. If the names of the French prizes, which have been arrested by virtue of instructions from our Government, are the time and place of the arrest, and the issue of the examination, were now within my reach, each of them would be sent to the test. But, not being individually remembered, they shall be classed under three heads: 1st. Those made by illegal privateers: 2d. Those made by lawful cruisers, but within the protecting line of our coast and its islands: 3d. Those made by lawful cruisers in the high seas.

1st. The seizure of prizes, made by illegal privateers, was the effect of necessity; having been postponed until the injunctions against those corsairs had been often and flagrantly contumaciously. No precaution was spared to prevent an unjust detention. The Executive of the United States, the Governors, or some officer acting under the one or the other, passed their judgment upon the probability and necessity of the cause of arrest, in the first stage of the business, and the final decision was always dispassionate and deliberate what better security, situated as our country is, could have been devised, to avoid oppression on one hand, and to discharge our neutral functions on the other.

Although little would be hazarded by asserting that few, if any, of those seizures were exempt from the animadversion of the Executive rules, in 1793, and it would be a laborious undertaking to discuss them in all their minutiae, yet will not that undertaking be declined, whenever it shall be desired, and a bill shall be produced. We are aware that the privateers, that the whole of the commerce of privateers is prohibited, and that they are not allowed by us, and that it would be difficult to fix the preponderance of either scale. By imposing on the claimant, according to strict law, the burden of maintaining his own pretensions, and by repudiating testimony which was exceptable, not from a defect of character in the witness, but from a critical application of judicial maxims, the captors retained their prize. Nor did we stop here; the damages incurred by the seizure, should be payable by the rulers of the merchant ships on the ocean. It would be replied, that such a discouragement is distant from their wishes but of the greater consideration, of disinclining the trade of their enemy, overwhelms the consequential embarrassment to that of others.

3d. As to prizes, made by legal cruisers on the high seas, it never was the intention of the President to interfere, he having abstained (as the seventeenth article of our treaty of commerce imports) from examining into their laws and instructions. Nor can any express or implied, however ingenious may be ascribed any vocation of genuine prizes, they may, perhaps, have been mistaken for prizes of the two foregoing ominous kinds. But even for these mistakes we ought not to be questioned, until they shall have been notified to us, and satisfaction has been refused. Finally, we are aware that your judicial authorities may be as arbitrary as yourselves, if it be; nor do we pretend to control their operations. Some justice is needed to this argument; others repelled it. But it has been since maturely settled by the supreme court of the United States, that relief ought to be administered, where it is bona fide prey. If it were otherwise, the substance of our citizens would be the sport and plunder of every sea rover who carried a French commission in his pocket. The treaty shudders prizes from an enemy, not reciprocally from our own citizens, or from other neutral people. Further than to rescue captures of this denomination, it is not considered that our courts are competent.
There was, indeed, once, room to fear that claimants sometimes embraced the double chance of executive and judicial redress. But the promises which Congress made in this manoeuvre was counteracted by my letter to you, and the act of the 25th of August, 1791.

Second. Your next impulsion is, that, "far from using the same means of coercion towards the English, when they send into our ports prizes made from the French, the rigor which our treaties demand has not been exercised."

The authority of the signature quoted for this evidence, which had captured American and French bottoms, laden with provision for France, under the convoy of the Concorde; and in the squadron of Admiral Murray putting into the harbor of Norfolk, and enjoying asylum therein: 2d, In the British frigate Terpsichore coming into Hampton with the prize they had taken from the Argonaut. 3d. In another dispatch, having no business with the ports, upon the advice of a French privateer, they sent out a vessel, to attack L'Esperance, a corvette of the French republic, and an American vessel, both of which were discovered at the opening of the bay; returning with the corvette into the Chesapeake re-arming her, sending her out to cruise; and, thirdly, in the same dispatch, declaring that the British government has decided to return the vessels of our pirates on our own vessels, to repair completely, in our ports, the heavy damage she had sustained in the ardeor of pursuit.

1st. Under our treaty with France, opposes the granting of access to the public armed vessels of the nations with whom we may be at peace, custom has established that they may enter our ports, impelled by necessity, or induced by comfort or convenience. This was announced by the Executive on the 9th of September, 1793.

Notwithstanding that treaty, it has not yet been disputed that the same allowance may be extended to the enemies of the United States to the French property or people. But, on the 8th of August, 1793, the President declared his construction of that treaty to be, that no public armed vessels were thereby forbidden from our waters, except those which should have made prize of the people or property of France, coming with their prizes, although, when you allude to my letter of the 7th of September, 1794, which was occasioned by yours of the 21st of August, 1794, and drew forth a reply on the 18th of September, 1794, you insinuated that "pains have been taken by me to interpret the treaty in favor of your enemies;" yet, was it an interpretation advised by all the heads of departments, and the attorney general, with whom the President was in the habit of consulting? You differ from us in the construction. What is to follow? Nothing, I trust and believe, between our two Governments, which is not customary and cordial between friends.

"In a case like the present, where the mission of one Government construes differently from that to which he is sent, the treaties, which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the treaty, according to its own constructions, and such constructions will be justly understood by the other party. It is the right and duty of the foreign missionary to urge his own constructions; to support them with reasons which may convince, and in terms of decency and respect, which may reconcile the Government of the country to a concurrence. It is the duty of that Government to listen to his reasonings with attention; and if it shall think fit to construe the treaty in the light which is thrown on it by one of its subjects, on their side, it follows, of necessity, that, exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions, as to whatever is to be done within their limits. The minister then reverts to the case to his own Government; asks new instructions, and, in the meantime, acquiesces in the authority of the country. His Government examines his constructions; abandons them, if wrong, insists on them, if right; and the case then becomes a matter of negotiation between the two nations.

This quotation is from the letter which conveyed to the French republic the sensations of our Government towards Mr. Genet. To its terms we shall be bound to adhere, if, contrary to our present impressions, the treaty with France, which we do so much consider, shall appear to your republic to require the expulsion of every British ship of war, which may have taken a French prize in any part of the world, let us be convinced, and we will renounce the ancient opinion, and fulfil whatever we have a right to do.

Thus thinking, we could not banish that part of Admiral Murray's squadron, which had not come in with French prizes. But if they have used the waters of the United States as a station, from whence to carry on hostile expeditions, they will fall within the animadversions of the President's order on the 16th ultimo; and when the facts shall be ascertained, he will not be backward in supporting his declarations.

Second. The British frigate Terpsichore is considered by you as offending our own interpretation of the treaty, and being nevertheless tolerated in our ports. We will, therefore, trace the transactions concerning her to their origin.

On the 18th of September, 1794, you represented to me, in a letter received on the 20th, that "she had cast anchor at Norfolk with the French privateer La Montagne, which she had taken; that the consul of the French republic had written to the Governor of Virginia to complain of this infraction, and a long time had elapsed without reply. Since the 2d of October, she had been informed that your letter, dated on the 18th of September, to the letter of the French consul, saying that "he would with very great pleasure make the necessary inquiries, and then pursue the conduct which the President's instructions enjoined." At the same time you requested to know the instructions of the President to the Governor, or at least the issue of your representations."

The dispatch of the 17th ultimo contains the letter to the Governor, and the answer from him, which is a copy of your letter, with the observations of the President, and the instructions that shall have been transmitted to the Governor in answer to your letter of the 18th ultimo. But I have no hesitation in delivering it to you, as my opinion, that her coming into our ports with a prize, is inadmissible by our treaty with France. It is more. It is contrary to the rules which have been long ago prescribed by the President of the United States, to the Governors of the individual States, and with Governor Lee, in his letter of the 12th ultimo, to consul Oster, undertakes to execute.

"From the circumstances, however, of Governor Lee being possessed of standing instructions and powers, adequate to the exigency, and of Mr. Oster having laid the matter before him, it could not be presumed that he had need of the President's personal instructions. You specify in your letter, that you have received Mr. Oster's application and the retardment of Governor Lee's answer. Hence, as it was known to me that it would require some time for a letter to pass from Norfolk to Richmond, the seat of government, for an answer to be returned from Richmond to Norfolk, and for the usual allowance for the possibility of the Governor's absence, I thought it expedient to address another to Mr. Oster, in order to be more prompt in the matter, and to justify him in expressing to him a suspicion of neglect. Without such a suspicion, it would have been absolutely useless to address him, as he could have been merely instructed to make the necessary inquiries, and to fulfil the sense of the President, both which things he ought to accomplish of course, upon being notified of the case. As Governor Lee, in that letter of the 19th ultimo, promises to discharge the duties which are expected from him, I cannot doubt that he, or the Lieutenant Governor, in his absence, has before this day completed the business, according to national faith. But, that there may not be any impediment to the gratification of your wishes, I have the pleasure of sending you the copy of a letter, which will be dispatched by the mail of to-morrow to the Executive of Virginia."

That letter runs thus: "October 3d, 1794. It is with great mortification that intelligence has been received at the Department of State from the minister of the French republic, that the British frigate Terpsichore has carried off from the Norfolk coast, the ship Montagne, one of the prizes of our squadron, which had captured American and French bottoms, laden with provision for France, under the convoy of the Concorde; and in the squadron of Admiral Murray putting into the harbor of Norfolk, and enjoying asylum therein: 2d, In the British frigate Terpsichore coming into Hampton with the prize they had taken from the Argonaut. 3d. In another dispatch, having no business with the ports, upon the advice of a French privateer, they sent out a vessel, to attack L'Esperance, a corvette of the French republic, and an American vessel, both of which were discovered at the opening of the bay; returning with the corvette into the Chesapeake re-arming her, sending her out to cruise; and, third, in the same dispatch, declaring that the British government has decided to return the vessels of our pirates on our own vessels, to repair completely, in our ports, the heavy damage she had sustained in the ardor of pursuit.

It appears, sir, by a letter from Governor Lee to the French consul at Norfolk, on the 12th of September last, that he had undertaken to make the necessary inquiries into the fact, and to do what the nature of the case demanded..."
ed. The minister of the French republic is uneasy at the delay of the Governor's answer, and is led to apprehend from the circumstances of the case that his government may be about to recede as to that point of the treaty which, you will observe, is the principal article, trusting and believing that the patriotism of the Executive of Virginia will not suffer this gross insult to our treaty.

Let me entreat you, sir, to exert the attachment, which I know your whole body to possess, to national faith, and to cause to be rendered to the French republic that justice to which it is entitled, upon the presumption that our government will not fail to do it, in justice and honor.

Upon these letters you were pleased, on the 6th of October, 1794, to make the following comments: "In proportion to the pain of complaining of the negligence and tardiness which are shown in many parts of the United States in complying with the treaty, the same indolence or even negligence has, I am told, been exhibited in the receipt of the despatch, in which I find expressed, with the energy of a friend, the intention of the Federal Government to maintain the engagements which it has contracted with the French republic. I observe to you, however, that this intention will produce no effect, if you are obliged to notify to the Governors every time that hostile vessels are discovered in their ports, to give them time to take in provisions for themselves and their prizes before the order of departure, which ought to be given to them immediately, for fulfilling the object of the contracting parties, can be notified to them. It does not require a long time to make these researches necessary to determine the precise period in which these prizes may be taken, by force of the dangers of execution. This is a work in which a few weeks sufficic for obtaining information, and it appears to me that there is already a fault on the part of the Governors, or of those who are appointed to maintain the laws, that a demand must be made upon them for the execution of the instructions which they have received from their Government. They have filled you, in that, which prescribes a continual vigilance and attention, to prevent such being done, contrary to the laws or treaties of your country. You will pardon, sir, these reflections, when you shall learn that an English frigate has just anchored in Hampton Roads with two French privates, as prizes. If, on the very day of her arrival, she has not been directed to depart immediately; if there must have been long inquiries beforehand, and the counsel must have written in the first instance, the English will have had time to revictual, and supply all their wants; and the article of our treaty, which at first sight seems necessary to be so disadvantageous to them, will in no respect control their piracies. To crown the system of robbery which they have invented, nothing more remains but to carry their prey, or to carry the ports for them themselves; since they already conduct thither, in spite of your laws, those which they have taken from your allies."

That your suggestion was not forgotten is demonstrated by my circular letter to the Governors on the 10th of October, 1794, a copy of which I had the honor of enclosing to you on the same day, in these words: "Although I cannot, sir, at present express the sentiments of the United States with regard to the connection of the obligations of good faith and sincere friendship, but yet I must take the liberty of recommending to your particular attention the 17th article of the treaty of commerce. Mr. Fauchet, the minister of the French republic near the United States, appointed, from the circumstances which have occurred, to keep an eye on the measures which are now adopted in the several ports, in regard to vessels hostile to the French nation, and bringing in French vessels, this branch of that treaty will become null. It cannot require much time to go through the necessary examinations; and, therefore, I must entreat your excellency to enter into such arrangements for the execution of this member of the treaty, and the correspondent rules of the President of the United States, as will effectively prevent, under those circumstances, hostile vessels from receiving comfort and succor, contrary to solemn stipulations. It will not escape your observation, that, if adequate measures should be delayed, in the ports distant from your excellence, until you can be notified, and forward special instructions adapted to each case, the opportunity of enforcing the treaty will be lost."

On the 10th of October, the Lieutenant Governor of Virginia acknowledges the receipt of mine of the 3d, and proceeds: "That he was not able at present to give me the information he could wish, with respect to the British insurrections, before the 4th of this month, he ascribed the delay to an engagement with the vice consol at Norfolk, and, in his character of commandant-in-chief of the militia, assured Mr. Oster, in a letter of the 19th ultimo, that he would make the necessary inquiries, and then pursue the conduct which the President's instructions enjoined, that, not receiving any communications respecting the Governor's inquiries, he naturally concluded that the frigate had been ordered to depart, and had complied with the injunction; that he had now given the most pointed instructions to the commandant of the militia at Norfolk to make immediate inquiry into the facts, and report the same to the Executive; and, in the mean time, to cause to be rendered to the republic of France that justice to which it was entitled; that he had written to the vice consol on the subject, and he requested him to make the Lieutenant Governor acquainted with all cases of a similar nature, which might thereafter occur." A copy of this letter I had the honor of transmitting to you on the 19th of October, 1794.

The Lieutenant Governor had given, on the 9th of October, 1794, positive instructions to the purport promised, as in a letter of the 5th, which Mr. Thomas Norcom had been, on the 29th of the same month, directed the commandant of the militia of Norfolk, and the counties of Norfolk and Elizabeth City, effectually to execute my letter of the 10th of October, 1794, by preventing vessels in the predicament described from receiving comfort or succor. Is it not asked? Lieutenant Governor Wood truly conjectured that she had departed. For she sailed, certainly, before the 28th of September, 1794, and, very probably, about the 30th, and it is not understood that she has returned.

But in the fragmentation of facts, will you find a vestige of British prepossession? Is it in the interpretation which we have given to the 17th article of the treaty? We are still persuaded of its soundness. Until we be convinced of an error, bound, as we are, by the law of nations, to sit as an independent umpire between the pretensions of the belligerent parties, relative to ourselves, we are bound by conscience to obey our own understandings. Is it in the Federal Executive not having employed the most effectual means in his power? He was bound to consult with the Governors, the district attorneys, the collectors of the customs, and he appointed the militia for important exigencies.

Is it because our nation, as yet far below the zenith of its future force, cannot summon into action a navy whereby to give effect to the intrusions? This would be extravagance. Is it because we do not learn, in our notoriety, that the French have already conducted thither, in spite of your laws, those which they have taken from your allies?"

The 31st of January, 1795, was the earliest notice of the event to the President of the United States. "Mr. H. Smith, of the 2d of February, transmitting yours, was the earliest notice to the Executive of Virginia. That, in the whole, the British government appears to have been the source of accusation, as he conceived, when he resorted to the vice consol of the French republic, residing there. But, says the Governor, on the 1st of April, 1795, "With respect to the capture of the corvette, I received no information from him which appeared to the importance of the vessel, or the event, to be worthy of his notice, but rather seemed to consider the introduction of the prisoners, made on that occasion, so soon, into the place where the exchange would be effected, as an alleviation of the misfortune of losing the vessel, which he attributed to some misinformation received by the captain from two American vessels, with the names of which, or of their masters, he was unacquainted."
Here, without censure, might the Governor have abandoned his investigation; but being no lukewarm pursuer of truth, he proceeded further. — "Being informed that a pilot from Norfolk (a man of respectable character) was well acquainted with the circumstances of the capture, and his absence preventing the Governor from then availing himself of his information, and also because, as we have before stated, he had heard, though with a good degree of confidence, of the death of the Blockade, at the time of her capture, and transmitted to him an expectation of which documents prevented him from recurring to the subject sooner."

Mr. Daniel Bedinger, who seems to have been charged with the obtaining of this rumor, wrote to the Governor on the 22d inst. (a copy of the letter is here inserted by your request, when I last had the pleasure of seeing him), in which begins a verbal account of the case, to the conclusion that Mr. Cowper and myself called upon the captain of the French corvette taken off the coast last January, and requested him a statement of the circumstances relative to his being captured. He first appeared willing to comply with our wishes, and was so far disposed to it the next day for the purpose of executing the same, as to appear, He was afterwards informed that he had been applied to, severally, by Mr. Cowper and myself, when he discovered a degree of scruple, for which we could not readily account, observing, at the same time, that he had, immediately on his arrival at this place, (Norfolk) rendered to the French consul a full and circumstantial account of that transaction."

The counter declaration is not offered as a paper to which much confidence is due; but, suspicious as it is, it advised us to pause, before the Government was complicated upon Butler's single affidavit. I have therefore enforced the Executive of Virginia to remove all ambiguity. Mr. Bedinger has been aware of Butler's recantation; but as he had not seen it, the certificates which were forwarded from him by the Governor of that State, have, perhaps, been rejected, in which case they will be submitted for the approval of the Senate. This is the sum of every syllable which we know concerning the\'P esperse. The train in which the subject now rests, is, in the opinion of the President, the most eligible one. The facts will be explored with all the expedition in our power, and if discovered to be the early of old rumors, which is very probable."

Fourth. You will correct me, sir, if I err when I suppose that you build your complaint of the repairs of the Thetis upon the despatches of the Governor of Virginia, which I had the honor of enclosing to you on the 28th of February last. Being unanswerable of any other statement, I shall direct my reply to that which is disclosed by those papers. The British Consul Hamilton, informed the collector at Norfolk, on the 2d of January, 1795, that the "Thetis and Cleopatra having received some damage, it would be necessary for them to have repairs, before they could again proceed to sea: that they were both expected there the first fair wind, for that purpose, and, he presumed, the Admiralty would pass the forts into that harbor."

The collector thinking himself unwarranted to do any thing in the business, the lieutenant colonel of the militia of Norfolk was applied to, who was to convey his duty to give orders to the commandant of the forts, not to suffer the frigates to pass, until the Governor's orders should be had thereon. The Executive of Virginia resolved that "ships of war, circumstanced as those mentioned in said commodious ports to be taken up, that it order to go on board of the people or property of France, and come in with their prizes in the ports of the United States." Not being prohibited, by the laws of neutrality or the treaty, from permitting in our ports to any of the belligerent parties vessels like the Thetis and Cleopatra, 3d, 1796, declared that "equipment in the ports of the United States, of vessels of war, in the immediate service of Government of any kind, its duties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful except those which shall have been made prize of the subjects, people, or property of France, coming with the ports of the United States, pursuant to the 17th article of the treaty of amity and commerce with France."

This is the kind of repairs done to the Thetis, I am, as yet, an absolute stranger. That they were not warlike, is rather probable from the expressions of the Virginia Executive. That they were not warlike, is more probable still, from their acquiescence. Every report accorded with these conjectures. But, notwithstanding this strong appearance that the rules have not been violated, an inquiry has been instituted.

Third. The third symptom of a British predilection is conceived to be, "That the militia have, as yet, been assembled in the different ports and their prisoners and officers, sir, commanded, to demonstrate their dispositions: either that they have not been designated by the standing instructions to the officers in the States, to be proper to employ in favor of the French on those conjunctures in which the militia would be the appropriate instruments, or that there has been no direction to employ them."

Our constitution, laws, and distribution into several independent States, naturally marked out the Governors, as the condutors of the Federal Government in maintaining our neutrality. Their quality of commanders-in-chief of the militia was particularly selected, when they were desired to co-operate, and the militia was pointed out as the resources of the country.

If it has happened that, from negligence or design, France has been indisposed in succor from the militia when it ought to have been displayed, specify the instances, sir, they shall be immediately analyzed. In the mean time, permit me to observe, that it would have been not a little extraordinary to refuse the aid of the militia to one belligerent without justly sooner demanding it, merely because the same or a like case had not occurred, and might not occur, in regard to another.

Fourth. The predicament of a neutral nation is always peculiar and delicate; and eminently so, while it defends itself against a stronger Power. Lord North, Powers, in the misgivings of another. But you are not to infer from my justification of the Executive, that the validity of the proclamation of blockade is asserted. We did read, on the 1oth of April, 1795, a publication from His Britannic Majesty's consul general for the Middle and Southern States of America, giving public notice that he had received official communications that the islands of Guadaloupe, Marigalante, and Desirade, were, by proclamation, issued by His Britannic Majesty's general and vice admiral, commanding in the West Indies, declared to be in an actual state of blockade, and that neutral vessels were, by that proclamation, prohibited from attempting to enter any of the ports
or places of the said islands, with provisions or supplies of any nature or kind whatsoever, under the penalty of being denied the free and peaceable enjoyment of the said trade, and of making no sale of any kind whatever, the West India trade always was, that this excision was often resorted to in the mind of the Executive. It was acknowledged that neutrals are interdicted by the law of nations from a blockaded port. From some quarter or other, the blockade must be notified, or else neutrals would be a constant, unsuspecting prey, not being in a condition to know whether a war was actually, or only seemingly, in progress. Surely not the besieged, but the besiegers, whether we consult principle or practice. The check which neutrals have upon a wanton and false parade of a siege, is the same with the check upon any other groundless pretence. We might, indeed, have, after all, put as much confidence by the conduct of nations as was shown in the document upon which the resending of that edict could have been urged. If rumour were a fit guide, who can pronounce on which side rumor preponderated, when stripped of the exaggerations which a host of passions had gathered together? We had, it may be said, one effort remaining, which was to pronounce to the citizens of the United States, that the proclamation was not a war, and we add to them. If, after this declaration of that act, any American vessel had risked, and incurred confiscation, the Government would have been importuned for something more than the general protection, which is the birthright of all our citizens. The clamor would have been for a special indemnity; and under such a cloak, frauds innumerable and more or less apparent, might have covered our own acts. So much is it part of our nature that we have no mind to be unkind to ourselves. We are as much at liberty to controvert the existence of the blockade, as we were when it was ushered into the world through the newspaper. If conveniences have arisen to the French republic by an interruption of our commerce with those islands, let them be ascribed to the actual position of our affairs. It may, however, be remarked, that the Executive have not been unmindful of arrangements which might soften the severity of the laws of blockade.

Fifth. The first part of your fifth allegation, which implies "that the United States quit the neutrality which they profess, by subscribing, through an excess of circumstances, (management) to an order like the proclamation, has been just anticipated. To the second part, which asserts that we also quit the neutrality which we profess, by being unable to maintain our treaties, we answer that, although, to the best of our ability and understanding, we have maintained our treaties, yet, if any occasional or real disability has been shown, this cannot be transformed into a renunciation of neutrality. "There is a difference between a temporary suspension of the force of the treaty, and a renunciation of it or a renunciation of the right to a full and complete execution of it by force. To them, we may say that, it has been renounced by the infamy and situation of our Government; that it could have been remedied by any expeditious order at our command, except sur reprise, or the forerunners of both; and, then, and not till then, will it be incumbent upon us so to account for it further. " That we have been obliged to abandon our relations exclusively to England," (as in the third place you have affirmed) is a question of fact between us. We declare the America navy cannot yet dispute the ocean; but American rights have not been relinquished. Of the time, mode, and style, of enforcing them, the United States are the sole judge.

Sixth. Throughout your letter, you have observed allusions to the late treaty of the United States with Great Britain for the admission of their ships into a port of our own. The transactions of your observations has tended, and we are taught, from one passage to another, to view it as a prelude to representations which you meditate to the French republic.

That treaty has been communicated from the Department of State only to the chief magistrate of the United States. But it will not be conceived that reasons peculiar to the case caused this reserve, nor that it extends towards foreign nations which should lead us to infringe the usage of suspending the publication of treaties, until the ratifications have been exchanged, or to impart to them more than has already been imparted to the committee of public safety in France, by our envoy in London, through our minister in Paris. Yes, sir, you say that you demand justice only; justice you shall have, for the sake of the rights of commerce, which is an article of the first magnitude, and for which I say, that I have offered to have made, you that our treaties with France shall be sacred. No nation upon earth can control our will, unless preceding engagements be violated. To save the rights of the French republic was an ultimatum in the instructions to our envoy; the American envoy is, as far as our convenience extends, and which is in our power, to strictly observe the same. The President is willing to supercede all orders which can, with propriety, be expected from him, for the execution of our treaties with France, if they can be suggested to him accordingly. Every engagement which can be brought against the Government, we shall meet at the proper season, and in the armor of political integrity. We confide that the wisdom and magnanimity of the French republic, which resisted past machinations to disturb our harmony, will receive, with caution, suspicion which may be hereafter thrown on our fidelity. For her happiness we pray, and may our connexion be perpetual.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 67.

Joseph Rachelet, Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 9th Prorial, (June 8, 1795.)

3d year of the French republic, one and indivisible.

Sir: Your letter of the 29th of May was received by me on the 2d instant. The different subjects therein discussed meritting the most serious consideration, I have taken some time to prepare an answer, which I shall now give with all the candor the subject requires.

In the first place, I shall observe, sir, that, in writing my letter of the 2d of May, in consequence of a crowd of complaints which were brought to me, I had not proposed to myself a plan so extensive as that you have pursued in your despatch. It is observed that, in order to give a notice for the conduct of the Executive in every case, I have myself to have offered to you, that our treaties with France shall be sacred. No nation upon earth can control our will, unless preceding engagements be violated. To save the rights of the French republic was an ultimatum in the instructions to our envoy; the American envoy is, as far as our convenience extends, and which is in our power, to strictly observe the same. The President is willing to supercede all orders which can, with propriety, be expected from him, for the execution of our treaties with France, if they can be suggested to him accordingly. Every engagement which can be brought against the Government, we shall meet at the proper season, and in the armor of political integrity. We confide that the wisdom and magnanimity of the French republic, which resisted past machinations to disturb our harmony, will receive, with caution, suspicion which may be hereafter thrown on our fidelity. For her happiness we pray, and may our connexion be perpetual.

I have the honor to be, &c.
denomination, and you take the trouble to establish that they have a right to intervene in every case that can be brought under those heads. In the first place, sir, I never have, at least to my recollection, contested the right of your courts or of the Government to interfere in matters of the nature of those you mention. But I have complained of the inconvenience which arises from those (two of which, I believe, belong to them). I might, therefore, in answer to your request, cite to you a great number of affairs, of the kind to which you allude, and will be easy more at leisure to support them from the different consulates. I could, for example, bring, on the topic the affair of citizen Tulibot, which is not yet determined, and in which your courts contest a prize, upon the validity of a commission given by the French Government. It is, as I believe, a case, as I have said, which is well known to you.

They support themselves in this circumstance with the treaty which the United States have with Holland, when that very treaty gives to us the privileges of the 17th article of ours: and I could cite, in proof of the facilities which it contains for the same, that a prize does not belong to them, the affair of the vessel called the Cleopatra of Marseille. This privateer, armed and commissioned at the Cape, served there for the French Government, and, having sailed from thence, had just sent prizes into New York and Charleston. In the former part her prizes had been sold without opposition, and in the latter they have been seized and judged illegal. With these I conclude. As a natural corollary to the question, if the French have not been subjected to those vexations, and that one of the most unpleasant parts of my functions has been to answer the just claims of my injured countrymen. I could have wished that the Government had taken decisive measures, as well to prevent unjust chicaneries, as to maintain its regulations on the armaments, or augmentation of armaments, in the manner agreed in the Treaty of 1783. If the former was far was done in the Treaty of 1783; the latter, the General Government, had the power of deciding cases of capture within the limits of the United States, and, in the interim, the contested prizes remained in the hands of the consuls. These regulations appear to have been conceived to annoy the tropics, in my opinion, agreement with my predecessor on the 29th June, 1799. Measures for terminating the examinations in a summary manner, by voluntary arbitrations between the parties, were afterwards instituted, or by the cross-examination of contradictory witnesses, upon which the Government of the United States were to judge. These were communicated in November, 1799. It were to be wished that these proceedings had been extended to the cases of prizes legally made by vessels duly commissioned, and contested at all hazards by our enemies before your tribunals. I have since proposed to you as an additional measure for expediting these affairs to subject the proprietors to furnish security for the damages occasioned by their suits. My proposition was that the British enemies had a right of choice of conforming to them, or of returning to the courts, prefer the latter, in which they have the advantage of finding some circumstances in which it was impossible that your courts would not grant protection to your fellow citizens who claim it, unless you add, it is wished that the lives and property of our citizens should become the sport and prey of the first sea rover. There is no doubt on this head. But, if any fortuitous events of this nature have taken place, I should be the first to take notice of them. I do not deny prizes, and I see with regret that all the armed vessels of my nation which bring prizes into the United States suffer under such a bitter, and, I also add, such an ill-founded reflection. If sea rovers exist, who systematically attack the property of your fellow citizens, it is not certainly among the French mariners. I doubt whether you can reproach us of another case, similar to that in which the Concordo's enemy was permitted to seize her, and yet didn't receive a prize. And I know that satisfaction was not evinced in an equivalent manner; and I believe that, in many stronger cases than that, the United States have been far from obtaining from any other quarter so decisive and so sincere an act of justice. On touching upon the armed vessels which I conceive it my duty so make some parts of your letter, I, in two words, return to its commencement. You remind me of anes long passed, the energetic measures which you have taken, and the patience and generosity of the Government under those circumstances. I cannot believe that you wish to establish similitudes between the present and the past. Were I, for a moment, to admit it, I should remind you of the proclamation which I published on my arrival; and I should then content myself with requesting you to cite the cases in which I have authorized, in which I have permitted, contraventions of the laws of the United States, and of the regulations of the President, in the first instance, and afterwards of my engagements.

I presume you will not object that all asphyxia should be refused (except in cases of distress or of tempest) to the English vessels who shall have made prize of French vessels, or of French property. Under this persuasion it was that I early complained against the admission of every English vessel of that denomination; it was this persuasion which induced me to write my letter of the 18th September, in answer to yours of the 17th of the same month, in which I found a construction of the treaty which I have appealed to. I admit, however, that you had notified me, in your letter of 20th August, preceding the regulations of the President of the United States establishing it; but I was so far from suspecting this article, that I did not, in reading it, observe it. These regulations of the President, by the way, did not appear to me, which leads me to believe that they were never notified to me before the 20th August last. If no complaint has ever been made on this subject, it must be evident, that the English vessel, which is not mine, was allowed to remain by the president; and I wish to know if you object to the same article of the treaty, and in contempt of all neutrality, after having made French prizes, and pillaged your vessels under the simple pretext of trading with France.

The 17th article of our treaty, sir, do not object that all asphyxia should be refused (except in cases of distress or of tempest) to the English vessels who shall have made prize of French vessels, or French property. Under this persuasion it was that I early complained against the admission of every English vessel of that denomination; it was this persuasion which induced me to write my letter of the 18th September, in answer to yours of the 17th of the same month, in which I found a construction of the treaty which I have appealed to. I admit, however, that you had notified me, in your letter of 20th August, preceding the regulations of the President of the United States establishing it; but I was so far from suspecting this article, that I did not, in reading it, observe it. These regulations of the President, by the way, did not appear to me, which leads me to believe that they were never notified to me before the 20th August last. If no complaint has ever been made on this subject, it must be evident, that the English vessel, which is not mine, was allowed to remain by the president; and I wish to know if you object to the same article of the treaty, and in contempt of all neutrality, after having made French prizes, and pillaged your vessels under the simple pretext of trading with France.

On analysing all my complaints upon this part of the treaty, they are reduced to the entry of English vessels which have made prize of French prizes, and to the admission of their prizes alone. There never has been any hesitation on this point. There never has been a case, as far as I am aware, of which part of what I have written is built, I avail, according to your construction, upon a false basis. But, even admitting that construction, the Terpsichore should not have been admitted at Norfolk, with the privateer la Montagne, whose part of the Trois Freres was not at this time in existence, nor have equipped the latter in your waters. On the first point, you remind me of all the Federal Executive, and of my own letters, in which I have expressed my satisfaction. But, sir, if I could not but be satisfied, at that time, at the propriety of the course you pursued, I must, at this moment, reflect, I pray you, whether I have equally had reason to be satisfied, or whether you have been governed by the opinions which you have entertained from the time at which you first became responsible for the running of your Government, or perhaps the opinions which you have entertained from the time you first became responsible for the running of your Government, or perhaps the Government. The French consul at Norfolk, on the 31st August, wrote to request the expulsion of the frigate Terpsichore, and of her prize the privateer la Montagne. Governor Lee, after a lapse of twelve days, answered him. He an-
sweared, on the 19th of September, that he was going to make inquiry. It appears that the inquiry was not made for, on the 29th of September, two other English frigates entered Hampton Roads, with two prizes made upon us, and the same day the vice consul sent a new complaint to the Executive of Virginia. The inquiries of Governor Lee could not have been very extensive, nor have been made in such haste, for it would seem, that if, on replying on the 13th, they had been made as the vice consul was instructed to write at that time, we should not, at this moment, see the evil renewed, thirteen days after that reply. The vice consul received from the Lieutenant Governor an answer, dated the 9th of October. In this answer, the Lieutenant Governor pretends not to have read the second letter from the consul, of the 29th of September, and does not reply to it; he speaks of the Mutiny, and says it was not allowed to him to send it, because at that time, as you justly observe, that is to say, twenty-five days after her entering into your ports with a French prize.

You here ask me, sir, where I find reasons to support a predilection for England. I shall answer you with the same confidence you interrogate me. I observe that our consuls are abused by specious correspondences, merely to cover inactivity; that our enemies are permitted to do what they please, from the want of precise instructions to the commandants of ports, which should authorize them to act immediately on such contraventions of the treaty taking place near the coast. If the consul had not sent his second letter in due form, and complied with the request contained in the first, he could not have prevented the capture; and given them orders, we could not, at this moment, see the evil renewed, thirteen days after that reply. The vice consul received from the letter of the Governor of 9th August, 1793, addressed to the custom house and militia officers, which was among the enclosures of your letter of 29th February. He says, in speaking of the prizes suspected of having been made by vessels armed and equipped in the ports of the United States, that our consul should be apprized that all such requests as he will receive for the registration of prizes, you will immediately have them seized by your militia. As the 5th of December following, he gave additional orders for having seized, in like manner, the prizes alleged to have been made within the jurisdiction line of the United States, and if he has not informed them of the said seizure, as there are few prizes, as I have already said, which will not be alleged to have been made in the waters of the United States, or by vessels which have augmented their armaments in them, we still see prizes arrested in the first place, and examined afterwards. Why did not Mr. Lee authorize the commandant at Norfolk to cause previously to be forwarded to him, the capture of the vessel which was again and again, and with so much proof of his activity in doing justice to my complaints, that I could not avoid saying I had no need of them to confirm me that the most prompt severity has never been omitted to be employed towards us. If I were disposed to cite new examples, I could mention the affair of the corvette Perseverance. I was permitted to write to the consul residing there, and without objection the most common due respect to a public vessel by the law of nations, and stipulated for ours by treaty. I might cite the vigor with which a vessel going to Guadaloupe, and suspected, indeed, of an infraction of the rules of your neutrality, had been arrested at Norfolk. I leave it to impartial men to compare this energetic conduct with the orders lately given against the English vessels which refused to respect your neutrality, and the alteration of those orders almost immediately after they were issued.

As to the affair of the corvette Perseverance, it was in vain to support the conduct, in that respect, with what the commandant could say on his scatte of Argonaut, which took her, should not have been permitted to enter more readily than herself; and that, having been partially equipped in your waters, should have been proscribed. I shall not take the trouble to examine the deposition of Butler, the pilot, and his retraction. To judge of the merit of such a little fact, I think I know the terms of the treaty, pro and the con, and in which officers persons may have informed Butler that he had been imposed on, or mistaken.

After having reviewed the different particular cases upon which I have complained, permit me to give an opinion which has weight with me, which is, that it is impossible for me, among the constructions given to that part of the treaty, to discover the intention of the two contracting parties. It will therefore be impossible to make the article so literate as to prevent it from providing, and always keeping in my mind, and present it to you, under circumstances in which there is nothing to assure me that the President cannot admit my observations. I am therefore disposed to what I have done so, I should content myself with referring them to the French Government.

I have gone over in detail the different points stated in our correspondence: let us return to that part of your letter which considers the neutrality of the United States.

I conceived, sir, that the respect and circumspection with which I had touched on this question would have spared me the bitter reflections which your letter appears to contain on that matter. However great may be my desire to enter into details for my own defense, yet I shall waive them, from the same motives which dictated my first letter. There has been with me and with the American minister, a scrupulous wish to conform to the treatment and the ground of the Government of the United States on the subject of these measures. I might make it doubted that I had really been informed, by your proposition, of the English regulations and especially of the English restrictions with which neutral commerce is assailed in all wars. I might, in like manner, hesitate to admit that the Federal Government had not sufficient grounds to demand their revocation. But that would lead, against my inclination, into an examination of the cases in which a neutral Power should actually acknowledge its right to demands in such places. It should also be obliged to examine whether the principles upon which the English Government endeavor to support itself are consecrated by the law of nations, or whether they are not rather established to serve on the present occasion whether, in changing the language, the cabinet of London has changed its measures, whether the successive orders of the 8th June and 6th November, 1795, and of the 8th January, 1794, are not variations of the same system, to which the depredations
Mr. Randolph, Secretary of State, to Mr. Fauchet,* Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 13, 1795.

SIR:—I have not been able to acknowledge sooner your letter of the 8th instant, which I had the honor of receiving on the same day.

If the plan pursued in mine of the 29th ultimo be more extensive than the one proposed in yours of the 2d, you will ascribe the enlargement of it to my solicitude to remove every dissatisfaction felt by the minister of our ally. A part, however, of that plan being, to collect, with fidelity, the facts applicable to your various charges, and to consult with my colleagues, I now reply to it in whole, the concepts and peculiarities of the French republic and of the United States, and the support of their neutrality upon a respectable footing towards and against all. I conceive it my duty to point out a thing as infinitely desirable, which is, that nothing definitively be concluded as to the treaty submitted for the ratification of the Senate, until my successor, who is momentarily expected, shall have communicated the substance of the articles which, I have reason to believe, have been signed upon that important subject. I conjure you, sir, to submit this reflection immediately to the President.

I have but one word more to say, sir, on the close of your letter, in which you recur to contracts between the powers of the United States and France. I have had in my mind a resolution to move the Congress, that the Cherokees, their endeavors are still making to injure the harmony existing between the two nations. I do not think that any one has ever given greater evidence of myself than a sincere desire of cultivating it. Still less can I admit, notwithstanding some of your expressions, that your object was to imbibe me with fear as to the manner in which I have conformed to that law, nor can I consent, that a public man, who, from any personal considerations whatsoever, should compend with his duty, would be unworthy the confidence of his country.

Accept, sir, &c.

JH. FAUCHET.

*It appears that, after this letter had been drafted, and while it was transcribing, Mr. Adet was received as the minister plenipotentiary of the French republic, to whom, in consequence, it was sent.
inquiries. What, if they have erred? When a party thinks himself aggrieved by the sentence of an inferior court, he may apply to the circuit court of his district. If it appears to be erroneous, it must be corrected by the circuit court, the sentence by the parties themselves, and conclusive. If an appeal be admitted, and the judges, in the last resort, give sentence according to their conscience, though it should be erroneous, yea, as, "in doubtful questions, different men think and judge differently, all that a friend can desire, is, that Justice should be as impartially administered, to the people of the country."

A defect of integrity in our judges will not be vindicated, when it shall be once ascertained; and if such a blot defiles the records of the American forum, by detecting it, you will deserve the tribute of being instrumental to the salvation of millions.

It is with regret we are forced to the unhappy conclusion, that we have been introduced to the views of the law in this disgrace, and disbelieve that political predilections have ever transpired in any of their decrees.

**Second.** The district court of South Carolina, and the circuit court held for the United States in that state, have both condemned Talbot's prize. But she was condemned, not because the commission, delivered by the Governor of South Carolina, had been violated, but because, she is said, the United States, in her "appearance in an American port," proceeded thence to Gaudaloupe for the express purpose of changing the property, and applying for a commission, obtained the commission within two days of the sale of the vessel, and under color of that commission, she was taken. Whereas, the port of Gaudaloupe, in the opinion of the Executive, which has been confirmed by your honor, is an American port; armed in an American port, for the express purpose of cruising under it, was only repelled.

It is true that a final decision has not yet taken place; the reason of which is, that the captors, having already been defeated in two courts, are resolved to try the chance of the supreme court of the United States. Nor have weARGE any case, of which I which you might come to have been informed from a respectable quarter, that, notwithstanding the apparent sale of the vessel, the prizes which should be made by her were, principally, if not altogether, to be the property of the American citizens who were her owners when she sailed for Gaudaloupe.

Third. That a difference of opinion has prevailed at New York and Charleston, as to the prizes of the City of Marseilles, is at least the consequence of a governmental concert. It may be easily accounted for by supposing, as the truth is, that the culpability of that privatser was un- known to vessels, and has been, as is the case with Charleston.

Mr. Dallas, the Secretary of Pennsylvania, wrote on the 24th January, 1794, in the name of the Governor of that State, to the Secretary of War, requesting to be informed whether the opening of free port holes on each side of that vessel, for the mounting of guns, could be deemed an augmentation of her military equipments. The Department of the Navy, being informed that the vessel stood the 22d of January, had received, and Captain of the ship, in a letter from the Secretary of the Commonwealth of Pennsylvania, dated the 24th instant, in which it is stated that an application has been made to open five port holes on each side of the French vessel called the Citizen of Marseilles, which is now in the dockyard at Pensylvania, of the Executive, and by the circumstances of the case, the proposed alteration could be deemed an augmentation of her military equipments.

"This letter, sir, has been submitted to the President of the United States, who has directed me to inform you that the said port holes having been closed previously to the arrival of the said vessel in this port, that the opening of them, in order to mount cannon therein, would, in his judgment, be as much as augmentation of the face of the said vessel, as if the port holes were now to be cut for the first time, and that the measure, therefore, is to be prevented.

It is to be remembered, that the same principle operated in the decision of the President, in July last, relatively to the British letter of marque ship Jane, whose force was reduced to the same situation it was at the time of her arrival, by closing her new port holes, dismasting the additional cannon, and destroying, or relarding, her new gun carriages, before she was permitted to leave the port.

The prohibition against the augmentation of an armament is, that, if granted to any vessel, if, in the judgment of the Executive it, in any given circumstances, would render her more dangerous to the maritime commerce of the United States, the measure would be thought necessary for the protection of the same; and this intention to interfere, is the only reason why the Executive, if it should grant permission, have a right to interpose, in cases of an augmentation of the armament of capturing vessels in our ports.

Fourth. The measures, chosen first by the Government for enforcing its rules, were, through the agency of its own vessels, and therefrom resulted, will be, in the suppression of British as well as French armaments in our ports; and in your wish that they had continued to be used, as they were in the year 1793, in relation to the prizes which were questioned.

Mr. Dallas, sir, that, although the Executive was at first competent in authority to retain under his special direction prizes, made by vessels which had been equipped in derogation of our sovereignty, it would have been more expedient to refer them to the courts. Until the law of fifth June, 1794, their jurisdiction could not have been said to be established. Being conferred by law, the President could not withdraw it. Or, if he should withdraw it, there would not have been, from a confidence in their virtue, wisdom, firmness, and disinterestedness; men, approved by the Senate from the same confidence; men, whose forms and habits peculiarly qualify them for nice examinations of evidence and law; men who judge not, in your phrase, according to "factual," but, for any facts which they may consider, may be harassed by legal process, so may foreigners; but, as the protection to our citizens is in the damages which the courts may award, so will it be extended to foreigners.

That any of the contested prizes remained in the hands of the consuls was originally an act of respectability to the French; but no Executive could perpetrate it against the will of the Judiciary. This is expressed in a letter from my Department to your predecessor, on the 9th of September, 1793, thus: "The intention of the letter of June 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard, (which, in the case of the ship William, appeared to be disagreeable to you) the indulgence was given in your favor; but, in case the Executive might take or keep possession of the vessel as a military guard, and not to interfere with the authority of the courts of justice, in any case wherein they should undertake to act. My letter of June 29th, accordingly, in the same case of the ship William, informed you, that no precaution was taken to protect you from a confidence in their virtue, wisdom, firmness, and disinterestedness; men, approved by the Senate from the same confidence; men, whose forms and habits peculiarly qualify them for nice examinations of evidence and law; men who judge not, in your phrase, according to "factual," but, for any facts which they may consider, may be harassed by legal process, so may foreigners; but, as the protection to our citizens is in the damages which the courts may award, so will it be extended to foreigners.

As to the bond which you requested, my letter of the 22d of October, 1794, has told you that the Executive could not, as a matter of policy, interfere with the consuls, that they were always sufficiently secure under the usages of the courts. The instruction, however, to the Governors, also on the 22d of October, 1794, render a double recourse both to the Executive and Judiciary not easily practicable. The previous inquiry by the Executive, which you could suggest, only contributed to delay. For, if the President, by a direction that the case be referred to the courts, the decision of the courts, as an intrusion by those courts, and the judicial proceedings would go on notwithstanding. So speak the constitution and the law.

The principle has never entertained any other "theory" of our admiralty courts being uncontrollable, than this: that they are entirely independent of Executive mandates; that their decrees are not to be questioned by foreign nations, within the principles which I have quoted under the first division of this letter; and that the treaty with France checks them in regard to prizes, only after it has been established that what is claimed as a prize is a prize, and not plunder from our own citizens, or other neutrals. Permit me here to observe, that you have misconceived me,
FRANCE.

when you suppose that "all the armed vessels of your nation, which have brought prizes into the United States," are viewed by me as pirates; very far was this aspersión from my intention. Be pleased to revise my expression. If you shall be satisfied, that, from haste or other cause, you have misunderstood me, you will cancel the impression which you may have had of my misrepresentation of your minister. I have the short delight by disavowing any such sentiment. I meant to stigmatize those French cruisers only who captured the property of ourselves, or of other people not associated in the war.

Fifth. Although it may be seriously apprehended that a diplomatic intercourse, shall be occupied in calculating your retrospective laws, you may dwellly, it would be difficult, yet will I once more run over the minutia of the Terciphecho, and of her prize la Montagne and l'Esperance.

The first circumstances of official sloth, which has been attributed to the Governor of Virginia, is his omission to answer the vice consul's letter of the 31st August, 1793, until the 25th of September, vice consul. He was, in fact, under the instructions of government, how it was addressed, so as to be considered by any other person, in case of the Governor's absent appears nowhere. Nor is it material; for, by accident, not by design, the Governor was not on the spot when it reached Richmond. In the meantime, however, it is, that, on the 25th of September, two other English frigates entered Hampton with two French prizes; and the same day the vice consul sent a new complaint to the Executive of Virginia. You have yourself furnished good grounds to suspect that this letter never attained its destination. However, sir, if you add this to be important, I request you to specify the names of those frigates, and every other particular that may be necessary to the case, the manner in which I may better judge of the accusation.

Thirdly. You insist that the Governor ought, on the 12th of September, to have given orders to the officers whom it concerned. It is not improbable that the very apology which you offer, for the silence of the agents of France, or our part of the executive rules of 1793, may have prevented the subject of it from reaching Governor's mind at that instant; "that the English had not before had a maritime force upon our coast." Perhaps it might have been considered, as requiring no small share of circumspection to drive from our rivers the public ships of a foreign nation. Had the Governor of Virginia been situated as some other Governors are, he might have issued an order for the departure of the capturing vessel immediately on her arrival. As it was, he might well have been backward until he should have been driven by necessity to depute others upon such an occasion. But be this as it may, the "circular letter" from this Department, on the 10th of October, 1794, is demonstrative of the sincerity of the Executive, in preparing for the emergency, as it arises. With that spirit of readiness, in those cases, in tracing the consuls on, as you represent, by ostensible correspondences which cover nothing but inexcusables (lenteurs) nor yet in the want of satisfactory instructions; which were not delayed more than twenty-eight days upon an extreme computation, and much less upon an accurate one; I protest that I have not, in all cases, have own few, very few indeed; and only believe in one State, whose Executive resides at a distance from the seaboard.

Fourthly. The Governor's letters, on the 23d August, and 3d of December, 1793, to the commanders of countries, are exhibited as a mark of rancor against the French republic. You assert that of August 23d, "because, in the opinion of the President of the United States, this was made without the consent of the French (as not belonging to the United States, says what did not apply to any but French vessels.)" Consult his own language. "It having been decided by the President of the United States that no armed vessel which has been, or shall be, originally fitted, in any part of the United States, as a prize or privateer; by either of the parties at war, or have any vessel, in any of the parts of the United States, in case any vessel, within the foregoing description, should arrive in any port or harbor, with the consent of your county, you are to cause her to be ordered to depart immediately, and in case of her refusal, you are to take effectual measures to oblige her to depart. Force is not to be used in such cases, but to procuring the departure of the enemy's vessel or vessels shall have been or brought, subsequent to the fifth instant, or should hereafter send or bring, any prize or prizes into any port or harbor within your county, you will cause such prize or prizes to be immediately secured by your militia, for the purpose of delivering the same out of cruisers or any vessel. On the 23d of June, 1793, shows that it had operated upon an English privateer, armed in Georgia. It would have operated equally upon English prizes, if it had not been for the exclusion stipulated by treaty in favor of France of all prizes but those of the French. Were the treaty out of the way, so that prizes, made by the English, might enter our harbors, the Governor's order would involve them in its scope, and would arrest them also, if captured by an illicit privateer. The letter of the 5th of December orders the commandant of the "in case they should take possession of any vessel upon an allegation of her having been captured within three miles and a half of our seacoast, in any river or bays, they will be pleased to certify the same to the Governor, that he may direct the manner in which the witnesses shall be examined." You have interpreted this letter into "an additional order to cause to be seized the prize or prizes upon which an allegation is made that the officers shall seize upon any allegation, but delineates a particular step in case they should seize; when to seize upon an allegation, was an affair of discretion with them. That discretion, like the discretion of every public officer, was to be regulated by a reasonable degree of evidence. Truly, sir, I should conteract my own knowledge of the French, were you the only evidence in which I would guide myself. It is enough to ask, if it be possible that the Governor of a State, designated to preserve our neutrality would ever suffer vessels to be torn from the French captors, upon the naked declaration of a British proprietor that they have taken possession of our jurisdiction? Has it ever been done? Your answers and mine cannot, I am persuaded, be widely variant from each other.

The observations which you have been pleased to communicate to me, upon the subject of l'Esperance, have not shed those lights which I wished. Perhaps I was entitled to expect a more ample elucidation; since you persist in your explanation, and since the existence of the capture, the conflicting expressions of the French vice consul, and the equivocal footing of Butler's affidavit, utterly deprive us of the means of information. Mr. Hammond has indeed forwarded to me a letter from Admiral Murray, an extract of which refers to the capture of this corvette. "The French steep of war l'Esperance, was brought into Lynhaven Bay, on the 11th January, (a few days after my letter to you,) having been driven into the river, by the vessel, that among others, a lieutenant, with a sufficient number of men only to navigate her, (not being half the complement the French had in her,) were sent on board from the Resolution and Argonaut, and so soon as the weather permitted those ships to come within sight, they were ordered to bring in, with water and provisions, I sent her to sea, that I might give no umbrage to the American States, whom, having had a long voyage, I sent to Norfolk, as soon as prudent would admit: otherwise they might have been kept prisoners on board the whole winter, and sent to Halifax in the spring; nor was she equipped or armed, at all. She had no cargo, and gave me any communication, which she received. I am in Lynhaven, and when at sea only an acting order to command her, which is customary and absolutely necessary in all captures, otherwise, if retaken by the enemy, she might be considered as a pirate." Mr. Murray's letter recommends, at least, that a full inquiry be made and without your aid, I do not as yet discover any certain resort for an explanation of this affair.

Sixth. You remonstrated, on the 23rd of September, 1794, on the search and treatment of the Favorite, and on the 25th I wrote to you the following letter: "I regret extremely that any citizen of the United States, and more especially one who is entitled to a certain degree of respect for himself to a nation, should have been thus unmercifully treated. I have pursued the cause to the very source, and am now writing to the attorney of the district of New York, to inquire into and report the facts, as you will perceive from the enclosed copy. The course might have been shortened by directing to proceed in the case as the law directs, but this has not been adopted, because we wish to reserve to ourselves the decision in this particular as it is his suggestion that a public officer is concerned, and we take an interest in making justice to be done to our republic, as far as possible under our own eye." On the 22d of October, the day after I had received the docu-
ments from the district attorney of New York, I enclosed them to you; and on the 17th of November, 1784, this business was concluded, I imagined, in the following letter to you: "The Executive of the United States being obliged to collect information of facts, at a distance, through the public officers, and having a confidence in them, it was conceived sufficient, in the first instance, merely to transmit to you the evidence which had been obtained respecting the Favorite. Hence, in the letter which I had the honor of writing to you on that occasion, I did no more than assert the conclusions, reserving any reflections until it should be ascertained, on your part, whether the allegations were true. "The opinion which the President has formed relieves both you and myself of no small difficulty in comparing and reconciling the facts; and we are

He has thought proper to instruct me to inform you that, on the faith which he always repose in your assertions, he takes these points for granted: that the Favorite is a public vessel of war, bearing the commission of the French republic; and that no contravention of the act prohibiting the exportation of military stores was meditated, in the Letters which were enclosed with the board. "The President highly disapproves, that a public vessel of war, belonging to a foreign nation, should be searched by officers of the customs, upon a suspicion of illicit commerce. The propriety of representing such a suspicion to the consul of that nation, or the commander of the vessel, will be therefore given to pursue this course, with the view that, if it should be ineffectual, the Government of the United States may adopt those measures which the necessity of the case and their rights may require. "In conclusion, founded on the same principles, will be also forwarded to the collector of New York; with this addition, to discontinue the prosecution against the property, and restore what may be within his power or command. At the same time, I must repeat the assurance which we entertain, that you will prevent the stores from being used in any manner contrary to the act before referred to. "I flatter myself, sir, that this separation of what is past, and the precaution against the future, will manifest such a disposition in our Government as will induce you to approve the decision which a sense of justice imposes upon the President, to waive any further measures: for the appearance and circumstances of the Favorite might have been represented to an approach of war with the French republic, in the consideration that, in our new situation, it cannot be expected that all our officers should meet every occurrence with a correct knowledge of the usages of nations. "An insult to the French flag will not be tolerated by the President, whenever he can prevent or punish it. But it is my opinion, that a vessel in foreign waters, having her flag displayed, is to be in any predication whatsoever, the countermanding of the orders given by the Governor of Virginia to the militia officers of Norfolk, to refuse comfort to British vessels, using our waters as a station, cannot be tortured into any connexion with her. For the act of the President never authorized the State Executives to issue such an order; nor do I understand the French republic herself will be injured by the adverse conduct of the Federal Executive; and you may determine, from my correspondence with Mr. Hammond on this subject, what the President finally contemplated. "Upon this point a few words will be sufficient. Of the reaction towards Great Britain, and of the reparation to be made, the United States are the only legitimate judges. They will adapt the one and the other to their estimate of their own power and interest. Being the defenders of their own honor and welfare, they will not be suspected of voluntarily abandoning either; and if they do not mount to the pitch which the French republic would procure, their good will and intentions towards us will be at least as strong as those which you call, sir, lukewarm to our ancient ally, is an upright neutrality. The new arrangements against which you have expressed yourself, are a part of the great subject which is now at the disposal of the Senate. "There are some miscellaneous matters, which remain to be touched briefly. We are constructing the article of the treaty to explanations between the two Governments. But, in the mean time, I must own that I do not feel the importance of Mr. Hammond's acknowledgment to your letter. He had contended that, under our treaty with France, we could not expel the prizes made by the British cruisers in foreign waters, and that we must either claim them from the British Government, or leave them as such vessels to return to their owners. In his letter dated yesterday, he says, that the reason why we had adopted respecting the cruisers themselves, and which, by his literal exposition, would be defeated. You do not seem to be aware of the dilemma to which this mode of reasoning exposes you. If Mr. Hammond be correct, then are your complaints against the admission of prizes, and our anxiety to prevent it, wholly unfounded; and I am not quite sure whether the instructions be interpreted in the same sense. You will surely be of no availing whether a British minister reasons well or ill though I do not recollect that he has repeated this branch of his position since he has been apprised of its tendency. Whereover truth lies, it is our duty to follow; and I rest our construction upon this frank principle: that, notwithstanding the letter of the treaty, its spirit, its context, and the rules of interpretation, will uphold the regulations of our Government. In a procedure like this, it will not be easy to find a leaning or subservience to Great Britain. It is a leaning and subserviency to the character of our nation. Your letter strongly demonstrates the propriety of my remark, that a neutral nation, while it defends itself against charges from one of the warring Powers, may seem to palliate the misdoings of another. But we surely ought to have been exempt from this reflection; as you are particularly desired not to infer, from my justification of the Executive, that the validity of the proclamation of blockade is assented to as you admit: "that we are indignant at the injuries which Great Britain has done us"; and as we have employed every means which is not in violation of national law to screen our nation from any accretion, we permit yourself to be more sensitive in your accusations we cannot surrender the consciousness of our political purity. It is in real regret that I read in your last letter an idea that we have not done justice to your proclamation, to your displeasure at the crew of the Conqueror, and to your general conduct towards, and Government of the United States, because we are incapable of being convinced of our power to evince any encouragement, we can never intend to plant in your breast so unworthy a motive. As you again disdain an approbation of Mr. Genet's excesses, so am I not scrupulous to confess that I should not have recurred to them, had I not inferred from your letter an inclination to bring them up with some share of countenance to them. But this being, as you inform me, the moment of our feelings, as intended to be written before the President would have been stated to you more formally and minutely—the citizens of the United States have a right, and will exercise the right, freely to investigate the measures of Government, to view them as they come before the Executive to whom he is accredited, upon any of those measures affecting his country. But it will ever be denied as a right of a foreign minister, that he should endeavor, by an address to the people, oral or written, to forestall a depending measure, or to defeat one which has been decided. This remark is made more, because it cannot be erroneously wrested into a defence or outcry of the treaty with Great Britain and because it is an assertion of the sovereignty of the United States, consistent with what is past, and we trust not likely to be contradicted hereafter. I cannot conclude this letter without offering to you my sincere wishes for your happiness, and a personal assurance of the great respect and esteem, with which I have the honor to be, EDM. RANDOLPH.
No. 69.

Mr. Randolph, Secretary of State, to Mr. Harrison, District Attorney of New York.

DEPARTMENT OF STATE, July 30, 1795.

SIR: I must beg the favor of you to inform me for what cause a libel has been filed against the French privateer La Vengeance, and her Spanish prize. As many particulars as you can conveniently give me will be acceptable, Mr. Adet being very urgent in his complaint of the arrest. I will thank you to add, what previous examination, or rather what degree of evidence, usually precedes an order for arresting vessels in the situation of the foregoing. Your answer by the earliest moment will greatly oblige me.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 70.

The Minister Plenipotentiary of the French republic near the United States, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 15th Thermidor, (August 9, 1795.)

3d year of the French republic, one and indivisible.

SIR:

Among other documents which I have received from citizen Berard, captain of the privateer La Vengeance, and all of which incontestably prove that his vessel was not armed on this continent, there is one, of which I send you a copy.

This is a copy of the information of the district attorney of New York, upon which the seizure of the ship La Vengeance was grounded, accompanied by a certificate of the clerk of the court, who attests that no affidavit, no proof, was produced in support of this information.

Since I had the honor to write to you on this affair, an offer has been made to Captain Berard to release his vessel upon giving security. He refused; and persists in claiming the removal of the seizure without any condition, and with a reservation of his right to damages and interest. Justice supports his claim. In fact, what signifies security? Will it alone for the infraction of treaties, if it is proved by the decree that the privateer was armed on the continent?

I repeat the request, which I have already made to you, to remove the seizure which has been made of citizen Berard’s vessel. Permit me to remark to you, that a longer detention will considerably increase the indemnity he claims; and it will occasion unnecessary expense when a decree shall be pronounced on the merits of the business.

The vouchers which have been communicated to me established the fact in so clear a manner, that I have not the least doubt as to the issue of the suit instituted between the captor and the prizes, notwithstanding the employment, in the defence of this bad cause, of the English expedient—subornation.

I have in my hands a convincing proof of this last fact.

Accept, sir, &c.

P. A. ADET.

No. 71.

NEW YORK, &c.

District Court of the United States of America for the New York District.

Be it remembered, that Richard Harrison, attorney of the United States of America for the New York district, who prosecutes for the said United States, being present here in the court, the eleventh day of July, in the year of our Lord one thousand seven hundred and ninety-five, in his proper person, doth, on behalf of the said United States, inform the court, that, between the sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four, and the time of exhibiting this information, Aquila Giles, Esq, marshal of the district of New York, did, at the city of New York, in the New York district, seize to the use of the said United States, as forfeited, a certain schooner or vessel, called La Vengeance, her tackle, apparel, and furniture, together with four swivels and ten carriage guns, mounted on board of the said schooner, being of the goods and chattels of some person or persons to the said schooner unknown: for that the said schooner, or vessel, after the said sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four, and between the said day and the time of exhibiting this information, was fitted out and armed, within some or one of the ports, harbors, bays, rivers, or other waters of the said United States, to wit, at the city of New York, in the New York district, with intent that the said schooner or vessel should be employed in the service of a foreign State, to wit, of the republic of France, to cruise upon the subjects of the King of Spain, the said King being then and now at peace with the said United States; and that the said four swivels and ten carriage guns were, between the said time, procured at the place aforesaid, for the equipment of the said schooner with the intent aforesaid, contrary to the form of the statute in such case made and provided. By reason whereof, the said schooner or vessel, her tackle, apparel, and furniture, and the said swivels and carriage guns, have become forfeited. Whereof, the said attorney for the said United States prays the judgment of the court in the premises; and that the said schooner La Vengeance, her tackle, apparel, and furniture, and the said swivels and carriage guns, may, for the reason aforesaid, remain forfeited according to the form of the said statute.

HARRISON,

Attorney U. S. for the New York District.

ROBERT TROUP, Clerk.

I do hereby certify that the aforesaid is a true copy of the original information filed in my office; and I do further certify that no affidavit or proof has been filed in the said office to certify the allegations in the said information contained.

Copy.

P. A. ADET.

No. 72.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, August 11, 1795.

SIR:

Since my last letter to you respecting the privateer La Vengeance and her prize, the enclosed papers have been transcribed, and I avail myself of the earliest moment to forward them.

I have the honor to be, &c.

EDM. RANDOLPH.
Sir,

In the absence of Mr. Harrison, who is attending our supreme court at Albany, Mr. Ludlow has put into my hands your letter of the 30th ult, to Mr. Harrison, on the subject of the suits depending against the French privateer La Vengeance, and her Spanish prize.

The suit was filed at the district court of the United States for this district, in behalf of Don Diego Pintado, a subject of the King of Spain, against the ship San Joseph, alias La Princesa de Asturias, her tackle, apparel, furniture, and appurtenances, and the cargo on board of her. A copy of the libel is enclosed.

On the filing of this libel, the usual process was issued to the marshal, in virtue of which he took the ship and her cargo, the vessel and the goods. About one the 13th instant, the French privateer La Vengeance, filed his answer and claim in the suit so instituted in behalf of Don Diego Pintado, a copy of which answer and claim is also enclosed. The suit was instituted upon the official application of the Spanish consul for this district, and was authorized by a letter from the Spanish consul to the late Commissioner of the United States in Philadelphia, instructing the latter to take proceedings for the recovery of the property; and if this were the fact, the legal inference drawn from it was, that the forcible detention of the Spanish ship and her cargo by the French privateer in this port was illegal; and consequently, that the subject of the King of Spain was entitled to the aid of the courts of the United States, to compel a restoration of his property.

Upon the filing of the libel in question, it was not necessary, by the course of proceeding in courts of admiralty, or by any law of the United States, or by any law or usage of this State, that the libel should be accompanied by any affidavit or evidence whatsoever, to verify the allegations contained in it. The libellant has instituted his suit, as in all similar cases, at the peril of paying costs and adequate damages to the claimant, in case the final decree in the suit would be against the libellant. For the payment of these costs and damages, security to the satisfaction of the claimant has been taken. The suit has been at issue for some days past, and divers witnesses have been examined on both sides. On the part of the libellant it has been testified in substance, that the privateer in question is a very fast boat, well armed for point, being provided with some trained men; that she had no canvas shut; that the privateer being in the port of Philadelphia in the month of March last, (under the character of a merchantman) appearances manifested an intention of fitting her out as a privateer. These appearances were communicated to the Spanish consul, who caused her to be searched. The officers of the cutter, who had been sent out, and hinged put on them; that iron was fixed on her bow for swivels; that she had a great number of water casks in her hold, and a very large caubose on board of her; that the water casks were too numerous, and the caubose too large, for the accommodation of such a vessel on a common trading voyage; that Captain Berard, who commanded the ship, was an officer from a vessel of the French Treasury, her having been taken in the port of Philadelphia, and at the distance of about thirty or forty miles by a vessel of the United States, sent to her as a privateer; that she could not be protected by the interference of the Government; that the said caubose remained on board, and was alleged by the captain to be intended for the accommodation of a number of passengers; that on or about the twenty-third day of March last, the privateer, so asforesaid reduced as to her military equipments, sailed from the port of Philadelphia, and at the distance of about thirty or forty miles both before and after she met with a vessel lying at anchor, and waited for her; that thereafter the privateer came to, and two cannon, being three pounders, two swivels, some muskets, pistols, sabres, pikes, and some bullets (rather of a larger caliber than the cannon) were taken from the shallap and put on board; that the said equipments were reduced, repaired, and mounted on theHook, and anchored within the Hook, about the distance of two musket shots from the Hook, the day before Easter; that soon after her said arrival at the Hook, she was visited by Captain Dennis, of the revenue cutter, who asked what vessel she was, and from whence she had come. The answer, received through one Wilson, was, that she had come from Guadaloupe. Upon which Captain Dennis further asked, what passage she had had. The reply was, fifteen or sixteen days. Captain Dennis then repeatedly desired to see the papers of the privateer, but they were constantly refused, upon the pretext that the privateer was upon a secret mission, which could be communicated only to the French consul; that upon this the pilot, who had sought the privateer from below the fort above mentioned, had replied: 'Your vessel is the privateer of the Hook; by your consuls she was sent to the Hook only for shelter, and that she wanted nothing; that Captain Dennis hereupon offered the captain a passage in the revenue cutter to the city of New York, which was refused; that thereupon Captain Dennis left the privateer that wolf; Captain Dennis was on board of the vessel occasioned by the said ship, which at the time of searching Captain Berard, whilst her real captain was Jean Antoine Berard; that on the very day Captain Dennis left the privateer, Captain Berard went to the city of New York, and in the course of three or four days afterwards, a boat came down to the privateer so at anchor within the Hook, with forty-eight chests of gunpowder, each chest weighing two hundred and fifty pounds; that the chests were landed there, and that the said captain shortly after the same was landed, arrived at Port de Paix; that when the privateer left Philadelphia she had about thirty men on board, who were all sailors or volunteers belonging to the privateer, as is believed; that at Port de Paix the privateer was careened and her bottom overhauled; and she was afterwards, in four pieces of cannon, (being four pounders) some fresh biscuit, and some muskets and blankets to replace some seamen who had deserted, and Captain Berard there also received a privateer commission from General Laveaux; that soon after Captain Dennis had left the vessel as aforesaid, he arrived at Port de Paix; that when the privateer left Philadelphia she had about thirty men on board, who were all sailors or volunteers belonging to the privateer, as is believed; that at Port de Paix the privateer was careened and her bottom overhauled; and she was afterwards, in four pieces of cannon, (being four pounders) some fresh biscuit, and some muskets and blankets to replace some seamen who had deserted, and Captain Berard there also received a privateer commission from General Laveaux; that from Port de Paix the privateer went to the Cape, and thence on a cruise, and in the course of three days cruising she took the prize in question.

The above are some of the matters testified on the part of the libellant, but the examinations on either side are not yet closed. It will be the testimony of the parties hereafter, or it is impossible to say. All the depositions will be given to the cause which circumstances admit of. Subpoenas are now on their way to Philadelphia, to be served on several witnesses residing there, and whose attendance is required in this court on the 14th instant.

In the name of all persons interested, I am, etc.

Mr. Troup, Clerk of the District Court of New York, to Mr. Randolph, Secretary of State.

NEW YORK, August 7, 1796.
FRANCE.

by a sense of duty to communicate the information. The suit against the privateer is also at issue, and nearly the same testimony which is above stated has already been taken in its and further testimony, to put it on the same footing with the suit against the prize, will be procured without delay. The final issue of the suit against the privateer is altogether a problem; but I have no doubt that at least probable cause will appear to justify her seizure and detention.

If any further information should be wanted, I will furnish it as soon as I am favored with your commands. In the mean time I have the honor to be, in behalf of Mr. Harrison, sir, &c.

ROBERT TROUP.

No. 74.

Extract of a letter from Richard Harrison, District Attorney of New York, to the Secretary of State, dated August 13, 1795.

"With respect to the suit instituted against the French privateer La Vengeance, I have to refer you to Colonel Troup's letter of the 7th inst. with this single addition—that as the suit was commenced on behalf of the United States, from motives of duty, upon such evidence as (if unimpeached) would afford not only probable cause for seizure, but just ground for condemnation, so it will immediately be discontinued, from the same motives, if it shall be found that the weight of testimony is in favor of the claimant."

No. 75.

The Minister Plenipotentiary of the French republic near the United States, to Mr. Pickering, Secretary of the Department of War of the United States, charged with the Department of State.

PHILADELPHIA, the 9th Vendémiaire, (September 24, 1795.)

4th year of the French republic, one and indivisible.

Sir:

I have duly received Mr. Randolph's letter of the 11th August, in which he enclosed copies of that written from New York on the subject of the privateer La Vengeance, and of the documents produced at the suit pending in the district court of that city against the privateer and her prize.

My objections are still the same, and I should have renewed my representations, if the weak replies I had received had not led me to imagine that I had little to hope from such a step. I therefore thought it my duty to wait until I should be possessed of authentic documents to discuss, at the same time, the points of right and fact.

These documents have come to hand.

I begin with the point of right.

The prize made by the privateer Vengeance of a Spanish ship is arrested upon the allegation of the consul of that nation, stating that this privateer had been armed in the United States.

Upon this simple allegation, without an affidavit, or any other testimony, the attorney of the district had the privateer arrested. He pretends that, affidavits are not necessary, and that, if the decree should be favorable to the privateer, the damages accruing from her arrestation shall be borne by the plaintiff. Besides, he undertakes to assert that the prize cannot escape condemnation.

It is not my province to dispute the responsibility for the damages and interest resulting from the arrest of the privateer, which is a matter foreign to the subject of the prize, and a punishment for a supposed violation of your neutrality. Therefore, I shall not discuss this part of the allegations of Mr. Attorney, which appears to me erroneous; it is not doubted that, in the final issue, the French privateer will have a right to claim damage and interest from the American Government.

But I again recur to the assertion, that an affidavit is not necessary for ordering the arrest of a vessel.

What is the law, what is the usage, which establishes the prosecution for redemption of an offence, before it be ascertained that it has been committed; and what certainty then had Mr. Attorney? His opinion. Upon what is it founded? The complaint of the Spanish agent, since there was not a single affidavit.

Now, sir, upon mere suspicions, which the enemy interest will not fail always to bring forward, the French privateers are to be subjected to seizure! Such a measure tends to nothing less than to paralyze the seventeenth article of our treaty.

Doubtless, sir, this is not the intention of your Government. No, the United States, under the veil of friendship, would not endeavor, by indirect means, to abuse the advantages of an alliance cemented by French blood.

I therefore protest against this illegal arrest—I request you, sir, to examine into the irregularity of it, and to order its removal.

You may do this, as it was the act of an agent of the executive power with the courts, and not that of the judiciary.

I return to the point of fact, that is to say, to the arming of the privateer in the United States. Like Mr. Attorney, I had my conviction; it was only a moral one; but it is now a physical one; among the numerous written documents which have come to my hands, I confine myself to the choice of four; of these I transmit you copies.

The first is the declaration of General Laveaux, stating that the vessel called la Dorade arrived at Port de Paix without any armament whatever; that she was sold to citizen Jacques Rouge, armed by him as a privateer, partly at that place, and partly at the Cape. This declaration is certified by the municipality of Port de Paix.

The second is a declaration of citizen Villatte, commandant at the Cape, stating that this privateer sailed from that place with six cannon.

The third is the bill of sale of la Dorade, done at Port de Paix, the 24th last Floréal, with an exact and minute inventory of every thing belonging to the vessel.

The fourth, and last, is a declaration of the master warden of the port of Philadelphia, proving that this vessel sailed without an augmentation of force.

The reading of these papers will convince you, sir, that Mr. Attorney was not founded in the opinion which he looked upon as a sufficient reason for authorizing and justifying the seizure, against which I complain.

As though this seizure were insufficient, Mr. Attorney, upon what foundation I know not, (probably, also, according to his opinion) has ordered a second seizure of the vessel, under the pretext that she exported arms and ammunition from the United States. I do not discuss, also, sir, this difficulty, superfluous in the main, but I complain of a step which is a formal insult, an outrage against the French republic, and myself as its representative.

The first point of difficulty was in discussion; I complained; a negotiation was opened between you and me; and this is the time Mr. Attorney chose to repeat the very thing about which I was complaining. He has violated usage and decency in the most wanton manner, since, admitting the second seizure to be well founded, it was useless for securing the penalty, as long as the first had not been removed.

I request justice, sir, and I am so much the more persuaded that you will readily render it to me, as you will be perfectly convinced that this is considerably less a question of the particular interest of the privateer, than of maintaining the principles of the alliance, and the rights of the French republic, for which you have repeated to me assurances of attachment which leave me no doubt of your dispositions.

Accept, sir, &c.

P.A. ADET.
THE FRENCH REPUBLIC.

Etienne Laveaux, Commander in Chief of the French Windward Islands in America.

At the request of the owners and captain of the ship La Vengeance, formerly la Dorade, to certify all the facts and circumstances known to us relative to this vessel,

We, rendering homage to the truth, declare, that, on the 15 Floréal last (8 May, O. S.) the vessel called La Vengeance, formerly la Dorade, anchored in the road of Port de Paix, about eight or nine o'clock in the morning, that, immediately, the captain, named Francis Michel, was brought before us, as is customary, and, in presence of part of the army, declared that he had been charged, by the agents of the French republic near the United States, with a secret mission, of which he perfectly acquitted himself. This I do not conceive my duty to detail here. The vessel arrived as a merchant vessel, without either cannon or musket of any kind, and but slightly manned.

This mission being fulfilled, Francis Michel, attorney of John Barun, owner of the said vessel, sold her to citizen Jacques Rouge, of this town, agreeably to a bill of sale executed before Domingueaux and his partner, notaries at Port de Paix, the 24th last Floréal.

The citizen Jacques Rouge having chosen Jean Antoine Berard to command this vessel, requested letters patent from me to arm her as a privateer. I granted them on the 27th last Floréal, and they were registered in the records of the admiralty of this town, and in the office of the civil ordonnance.

Cannon being of great consequence for the defence of this town, citizen Berard could find very few. He asked me for three three-pounders, which were in one of our forts; I promised them to him, but having been obliged to erect a battery which was indispensable, I was under the necessity of omitting to fulfill it. He then requested permission to go to Bourg, for others: I could not permit him, on account of the utility of the artillery there. In a word, he found, at Port de Paix, but two cannon, three at Contarine, which he purchased, with my permission, of citizen Florestal, an inhabitant of that town.

Under these circumstances, citizen Berard went to the Cape to complete his armament. As I could not, after what had been done, refuse to accelerate the arming of this vessel, I wrote to Vilatte, commandant at the Cape, to render him assistance.

All the facts above related are perfectly true. It is a matter of public notoriety, that la Vengeance arrived here a commercial vessel; that she was sold to Rouge, a citizen of Port de Paix; that he obtained a commission for cruising against the enemies of the republic; that she was commanded by Jean Antoine Berard; that her armament begun here, under my own eyes; that it was completed at the Cape, in virtue of my letter to the commandant; that he sailed thence, on a cruise, against the enemies of the republic: therefore, the prize made by the said Berard, being by a privateer, legally armed, and agreeable to the laws of the French republic one and indivisible, cannot be contested.

In faith whereof, we have delivered the present declaration, to serve and avail when and where it ought.

Given at Port de Paix, under the seal of the republic, and countersigned by our secretary, the 1st Fructidor, 3d year of the French republic, one and indivisible.

ET. LAVEAUX.

By the commander in chief.

HENNIGIN,
First aid-de-camp and Secretary.

We, the mayor and municipal officers of the town and parish of Port de Paix, island of St. Domingo, certify, to all whom it may concern, that the citizen Et. Laveaux is commander in chief of the French Windward Islands in America; that faith should be given to his signature above, as well in as out of judgment.

In faith whereof, we have delivered these presents, signed with our hand, and sealed with the seal of the municipality.

Given at Port de Paix, at the town house, 3d Fructidor, 3d year of the French republic, one and indivisible.

DOMINIEAUX, A. Notary.
BURTARRET, Notary.
LA COSTE, Notary.
RICHARD, Notary.
BERN. BALTH., A. Secretary.

True copy.

P. A. ADET.

No. 77.

CAPE, 28 Thermidor, 3d year of the republic.

I, Vilatte, commander-in-chief of the town of the Cape and its dependencies, certify:

That the schooner La Vengeance, of Port de Paix, captain Berard, entered this road the 1st Prairial last, with two cannon, and sailed thence, on the 5th of the same month, with six cannon, to cruise against the enemies of the republic. Annexed hereto is a letter of recommendation from General Laveaux, to this effect, to protect his armament.

VILATTE.

PORT DE PAIX, 28 Floréal, 3d year of the French republic, one and indivisible.

Etienne Laveaux, commander-in-chief, to Vilatte, colonel of the 1st regiment, principal commandant at the Cape:

The citizen Jean Antoine Berard, captain of the privateer La Vengeance, goes to thy port; I recommend him to thee as a good and virtuous citizen patriot.

The citizen Bariere has taken five of his crew from him; thou wilt permit him to replace them from Bariere's two vessels.

In case citizen Berard should want two cannon, thou wilt deliver them to him, in case they can be spared, on his paying the treasurer their value. Salut.

ET. LAVEAUX.

CAPE, 28 Thermidor, 3d year of the French republic, one and indivisible.

VILATTE.

We, the mayor and municipal officers of the town and jurisdiction of Cape François, certify and attest, to whom it may concern, that citizen Vilatte, who signed the above, is colonel of the 1st regiment, and prin-
FRANCE.

HENRY, Mayor.  
DAMPAIR, Municipal officer.  
PUECH, Maj.  
SILVER FORBES, Municipal officer.  
FOUGNIERS, S. G. Ad.  
CHAVANCE, Municipal officer.

A true copy.

P. A. ADET.

No. 78.  
24th Floreal, 3d year, sale of the schooner la Dorade, by Francis Michel to Jacques Rouge.

Before the undersigned, notaries of the French republic, in the jurisdiction of Port de Paix, island and coast St. Domingo, the present reading, appeared Francis Michel, captain of the schooner la Dorade, now anchored in this road:  

Who, by these presents, in the name and as attorney of Baron, (the power of attorney having been shown to us) declares to have voluntarily sold, quit claimed, ceded, abandoned, and transferred, from this time and forever, promising hereby to warrant the same both in law and fact, to Jacques Rouge, merchant of Cape, now in this town, for himself, his heirs and assigns, the said schooner la Dorade, of the burden of about fifty tons, together with her boat, tackle, apparel, cables, anchors, appurtenances, and every thing thereunto belonging, without exception or reservation, which the said purchaser declared himself well acquainted with, and such as is designated in the inventory formed and executed by the said parties, signed and marked by them and the said notaries, which is annexed to these presents.

The present sale being thus made for and in consideration of the price and sum of 66,000 livres, which sum of 66,000 livres the said Francis Michel acknowledges to have received, before these presents, from the said Jacques Rouge, in money and colonial produce, furnished by the said Rouge for completing the said sum of 66,000 livres, whereof the said Francis Michel perfectly exonerates the said Rouge from the price of the said schooner la Dorade.

The said Francis Michel dispossessing himself in the name of the said Baron, of the ownership and possession of the said schooner la Dorade, in favor of the said Rouge, so that the latter may use and dispose of her from this day as a thing to him appertaining, by means of these presents, the said Rouge hereby acknowledging himself in possession of the said schooner, and as being therewith contented, because he has seen, visited, and examined, for that, &c. promising, &c. obliging, &c. an act thereto.

Done and passed at Port de Paix, in our chambers, the 24th Floreal, 3d year of the French republic, one and indivisible, and after reading the same to the said Francis Michel and Jacques Rouge.

BRESSAT, Notary.  
DOMINGEAUX, Notary, and keeper of the said minute.

The following is the tenor of the annexed paper:

Inventory of the schooner la Dorade, Captain Francis Michel, made at Port de Paix, the 12th May, 1795, (O. S. 3d) year of the French republic, one and indivisible, to wit: 1 eight inch cable, one-third worn, one eight inch, 640 feet, half worn, 1 six do. one-fourth worn, 1 three do., 1 three do. hawser, half worn, 1 collar of cordage of 24 yards, new, 1 do. 18 do. (O.S. 3d) one-third worn, 2 spare hawser, 1 tackle, complete, 34 spare blocks, of different sizes, 1 top block, 8 marble spikes, and 4 scrapers, the running and standing rigging half worn.

Sails.—2 good lower masts, 1 bowsprit, 3 topmasts, 2 lower yards, 2 topsail yards, 1 maine, 2 boom crutches, 2 royal yards, 4 studdingails yards, 1 cangue et ses bouts de delevre, 4 oars for the schooner, 1 yawl, 2 port anchors, 1 crow.

Sails.—2 foresails, one-third worn, 2 mainsails, do., 2 jibs, do., 2 do. three-fourths worn, 1 topsail, one-third worn, 2 do., half worn, 1 flying topgallantsail, half worn, 1 main for, one-third worn, 1 staysail, half worn, 1 fleche do est, one-third worn, 4 studdingails, half worn, 1 jury sail, half worn.

Carpenter's tools.—2 saws, 2 axes, 4 augers, 1 carouse, 1 plane, 3 chisels, 1 gouge, 3 marteaux, rasp and other small utensils, 4 sets of pump rigging, 1 pump hook.

Cooking utensils.—1 caiboese, 1 small copper cauldron, 1 do. tin, 2 pans, 2 coffee pots, 2 soup ladles, 1 gridiron, 1 frying pan, 1 tin canteen, 6 glasses, 6 forks, 6 knives, 6 spoons, 1 dozen plates, 4 dishes, 1 candlestick, 1 wax do., 1 coffee mill, 14 wooden cannon, 5 cans, 5 wooden bowls, 12 iron bound hogheads, 3 barrels, 4 buckets, 1 funnel, 1 tin pump, 2 lanterns, 1 barrel beef, broached, 1 cheese, 1 half barrel of butter, broached, 2 barrels vegetables, both do. 1 box of candles, broached, 10 quintals of biscuit, or therethrough.

Articles belonging to the binnacles.—1 azimuth compass, 3 common compasses, 3 half hour glasses, 2 do. for the log, 1 log complete, 2 national flags, 1 American flag, 1 long een, 1 binnacle, 1 copper lamp, 8 barrels in boat.

Provisions.—200 lbs. biscuit, nearly, 1 half hogshead of rice, 1 barrel of peas, three-fourths of a barrel of beef, one-fourth of a barrel of corned do., about 10 lbs. of butter, one-fourth barrel of rum, one-fourth do. salted fish, one-half do. flour, three-fourths do. do.

The waist of the said vessel good, but requiring some repairs, 50 feet keel, and 65 feet from stem to stern, about 18 feet broad, 7 feet hold, having a bulk head forward and another abatt, one state room with 6 berths.

Signed in the original French.

MICHEL.  
ROUGE.

BRESSAT and 2 Notaries.

DOMINGEAUX.

Taken from the minutes of these presents, remaining in the custody of the said Domingeaux, Notary.

Collated.

BRESSAT, Notary.  
DOMINGEAUX, Notary.

We, the mayor and municipal officers of the town and province of Port de Paix, island and coast of St. Domingo, (the controlled stamped paper and small seal not being in use) certify to all those whom it may concern, that Bressat and Domingeaux are notaries of the republic in this district, that the above signatures by them, in the said quality, are their true signatures, to which faith should be given as well in as out of court.

[ls.] 

In faith whereof we have delivered the present, which we have signed and sealed with the seal of the municipality.

Given at Port de Paix, in the town house, the 21st Thermidor, 3d year of the French republic, one and indivisible.

DESBORDES, Mayor.  
VT. RICHARD, Jr.  
BINTARVET, A.  
BERTHOMBEUK, C. G.  
DESPEERBEURG, N.

THOMAS DULLY, M. officer.
I do hereby certify that the foregoing is a true copy of the original.

Copy.

P. A. ADET.

No. 79.

Nath. Falconer, Esq. to Alex. J. Dallas, Esq. Secretary of the Commonwealth.

WARDEN'S OFFICE, July 3, 1795.

Sir:

I beg leave to inform you, in regard of the schooner Rose, that she cleared out at the custom house, on the 18th day of March, under the name of the Dorada. I never heard of her being permitted to clear out at the collector's office, until the 21st of the month, which I heard from the collector himself, that she was permitted to clear out. The complaint coming from the collector and surveyor, I concluded that the officers of Government were satisfied that there was no augmentation of force, or they would not have permitted her clearing out for the West Indies. I applied to the Governor for an order to let her pass the fort, which he gave at his own house to the officers of the fort, to let her pass on producing her clearance from the collector of the port, which I transmitted to the fort.

I am, &c.

N. FALCONER,

Master Warden of the port of Philadelphia.

No. 80.

Extract of a letter from the Secretary of State to Richard Harrison, Esq. District Attorney of New York, dated October 1, 1795.

"Herewith I transmit the translations of a letter of the 9th ultimo, and other papers, received from Mr. Adet, the minister of the French republic, relative to the privateer La Vengeance, arrested by process from the district court of New York, and her Spanish prize libelled in the same court. I beg you will again examine this business, and, as early as possible, favor me with such information as will enable me to make an answer to Mr. Adet, that may or ought to be satisfactory;"

No. 81.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE October 16, 1795.

Sir:

A divided attention between two departments I must pray you to accept as an apology for my delays in answering your letters and communicating expected information.

I now enclose an extract of a letter from Mr. Harrison, the district attorney for New York, relative to the privateer La Vengeance, and her prize; by which you will perceive that, whatever may be the event of the suits pending in court, concerning her and her prize, the public officer, Mr. Harrison, is supported, in his proceedings, by the laws and usages of this country, upon such evidence and information as, in the case referred to, were produced.

I am, very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 82.

Extract of a letter from Richard Harrison, Esq. District Attorney of New York, to Colonel Pickering, dated October 3, 1795.

These observations will naturally lead to the case of the privateer La Vengeance, against which two suits have been brought on behalf of the United States; the suit against the prize being of a private nature, wherein, as attorney of the United States, I have no concern.

It is rather extraordinary that the mere institution of these suits, for offences against the laws of our country, should be considered as a just cause of complaint by the agents of a foreign nation; since, until the final sentence of the constitutional tribunals, it cannot be legally discerned whether the complaints are well founded, vexations, or properly instituted upon probable cause, though the scale of evidence may finally preponderate in favor of the accused.

Without advertising, however, to this point with the particularity it may deserve, I proceed to observe that, previous to the commencement of the first suit, such information was given as afforded, in my judgment, a probable cause for the prosecution. This did not arise, as the French minister supposes, from simple suspicion, or the mere allegation of the Spanish consul. That gentleman laid before me papers, carrying every appearance of authenticity, relative to the fitting out and arming of the privateer; and I had assurances, upon which I could depend, that direct evidence would be produced of illegal measures for this purpose, taken either in Philadelphia or elsewhere in the river Delaware.

Under these circumstances I judged it my duty to proceed officially, for the only breach of law with which I was then acquainted, and I should have esteemed myself culpable if I had neglected to do so. It was sufficient that I was assured of having the evidence at a proper time to manifest the perversity of the suit, and before that time it was unnecessary to possess it. Neither the laws of the country, nor the practice of our courts, required the filing of any previous affidavit where the suit was commenced by the attorney of the United States on their behalf; and such a practice might often be attended with pernicious consequences, by disclosing the name of the person who gave the information, and the nature of the evidence to be produced. Whatever, therefore, may be the ideas of persons unacquainted, or but little acquainted, with our laws, must be wholly immaterial upon this subject: but they may rest assured that I should never resort to any mere pretences in justification of my conduct, and I may safely challenge any person to produce the law which would render such an affidavit necessary, unless in case of a common informer.

The first suit against the privateer having been thus commenced, the testimony of her illegal armament, within the United States, has been actually furnished by more than one witness; but, in the course of the hearing, such a variety of clashing and contradictory evidence was produced, that it became impossible to foresee the event. This, you may remember, was, at a very early period, said to be problematical, though no doubt was entertained that probable cause would appear to justify the seizure and detention.

During the time of exhibiting the testimony in the cause originally commenced, it appeared, in evidence, by the showing of the claimant's witnesses, that the privateer had been employed in exporting ammunition from the United States, at a period when such exportation was prohibited. Had the fact been known in season, it would have formed a charge in the original suit; but, that not being the case, as soon as I was informed upon the subject, it became my
duty to file another libel, for an apparent breach of the law, subjecting the vessel to condemnation. It was, however, in the summer of 1797, this libel was removed until the termination of the first, there might have been more color for complaint; since, in that case, the privateer might have undergone a second detention; whereas, in the present mode of proceeding, the claimant, if he thought proper, might bring both suits to a close at nearly the same period.

In this whole business, however, I have undoubtedly acted from my own opinion, founded upon such evidence as came to my knowledge; and as, in similar cases, I must necessarily, in the first instance, be unacquainted with the opinions and convictions of others, I know of no other rule by which I can be guided, unless when I am honored with the directions of the Chief Executive, it will be unnecessary, if not improper, for me to enter into a minute discussion of the materials produced by the French minister, or the evidence respecting the cause whilst it is a subject of judicial examination. Permit me, however, to observe: 1st, That, even if they are sufficient to warrant the acquittal of the privateer, it will by no means follow that the seizure and detention were improper; otherwise, it would be the necessary, in future cases, to try the cause before the commencement of the suit. 2dly, That the bill of sale has been produced to the district court on behalf of the claimant, and will receive from the justice of that court its proper interpretation, either as evidence of a genuine contract, or as a mere cloak to disguise the transaction. 3dly, That General Laveaux's certificate (whatever respect it may be entitled to) is not to be considered as evidence in the cause; and, if it could be made so, the claimant would be very cautious of producing it, on account of its differing from the witnesses.

And, 4thly, That the certificates of Mons. Vilatte and Mr. Falconer are such as do not contradict the supposition that the vessel may have been prepared and armed for privateering in the port of Philadelphia, and that she may have received it on board before she quitted the Delaware, though she required additional force in the West Indies.

NEW YORK, December 5, 1796.

SIR,
In Mr. Adet's official note to you of the 15th ult. I find a charge against me as one of the officers of Government, for delaying the decision of the suits instituted in the district court for this district, against the prize ship La Pintado, for a privateer. This charge is the reflection of interest and Government, in its foreign relations, are intimately connected with the conduct of its officers, I think it my duty to furnish you with the following state of facts.

I was appointed clerk of this district immediately after the courts of the United States were organized; and being then a soldier in the state courts, the judge of the district also permitted me to practise in the court. I was thus permitted to practise in the district court, I supposed myself at liberty to be concerned for Don Diego Pintado, as well as for any other individual. The suit which I instituted for him was not instituted wantonly, but upon information of real and actual witnesses. In the progress of the cause, these witnesses were contradicted by the witnesses produced on the part of the captors; and the decrees which were rendered in favor of the captors, under an order of the court that their witnesses were entitled to the greatest degree of credit. If the witnesses of Don Diego Pintado had not been contradicted by those of the captors, it cannot be doubted that he would have prevailed in the suit, for the reason already stated.

The libel of Don Diego Pintado was filed on the 3d, and the answer and claim of the captain of the privateer on the 15th of July, 1795. On the 17th of the same month the parties proceeded to examine their witnesses. It was not until the 15th of November following that the examination of witnesses for the captors was closed; and in two days afterwards the cause came on to be argued. The delay in taking the testimony did not arise from any circumstances which can cast even the shadow of an imputation upon me or the counsel associated with me. There were many witnesses on both sides; some of them came from Philadelphia, and others from the West Indies, where the cause was at issue and the documents were reduced to writing; and, besides the witnesses, the yellow fever prevailed in this city, and so general and destructive were its ravages, that Mr. Edward Lavigton, the proctor for the captors, deemed it prudent to retire to Long Island; Mr. Brockholst Livingston, one of their counsel, for the same reason, removed to Dutchess county, more than eighty miles up the North river, where he resided until the fever subsided; and their leading counsel, Mr. Dupontes, was at that time proctor for the captors, however, of Don Diego Pintado, continued in the city, and were at all times ready to do everything in their power to expedite the cause. On the 10th of December, 1795, the district judge pronounced his decrees in favor of his creditors, and the cause was immediately referred to the Spanish consular authority, to the next circuit court of the United States for this district, which by law could not be held before the 1st of April, 1796. Not long after the appeal was interposed, Mr. Hamilton, Mr. Harrison, and I, had a conference with the Spanish consuls, at which we assured him it was our unanimous opinion that there was little or no probability of ultimate success in the cause, and therefore we could not advise the continuance of the appeal. The Spanish consuls, by reply, asked us for our opinion in writing, that he might transmit it to the Spanish consular general at Philadelphia, and receive his instructions. We accordingly delivered to the Spanish consuls a written opinion, subscribed with our names, in which we unanimously treated the cause as one that was nearly hopeless, and strongly disconmancened the further prosecution of it. We did not preserve a copy of this opinion, or I should now transmit it to you; the original, I understand, is in the hands of the Spanish consular general. In the course of a few days, after the Spanish consul had received our written opinion, he informed me that the agents of the Spanish Government at Philadelphia, having taken charge of the suit merely as public officers, felt themselves bound to pursue the direct course marked out by the laws of the United States, and to apply for the judgment of the court sitting in the last resort. This answer was decisive with the counsel for Don Diego Pintado. They were obliged in faithfulness to the trust reposed in them to prosecute the appeal and prepare it for argument at the circuit court appointed to be held on the 5th of April. This was done, business in the circuit court was active at that time; the writ of error was made returnable on the day appointed by the court, and forming a part of the record, which would probably be conclusive upon the supreme court, and compel it to affirm the judgment of the circuit court. The same considerations, nevertheless, which led to the prosecution of the appeal from the sentence of the district court, determined the agents of the Spanish Government not to discontinue the writ of error. All the preparatory steps were properly taken to cause the case in such a state as to be argued at the next supreme court, at which the writ of error was returnable, were consequently taken. The term of the supreme court commenced on the first Monday in August, 1796, at Philadelphia, and on that day, if older business had not been heard. During the term, however, the cause was heard, and the judgment of the circuit court was affirmed.

In a cause removed into the supreme court by a writ of error, that court is not authorized to issue execution to enforce its judgment, but is required to remand the cause to the circuit court, by special mandate, for execution. In the interval between the rendering of judgment by the supreme court, and the presenting of the mandate, to the circuit court, all further proceedings in the cause are necessarily suspended, and nothing can be done but by the courtesy
of the unsuccessful party. The circuit court for this district sat on the 5th of September last, which was rather more than a fortnight after the decision of the supreme court; and yet no advantage was taken or attempted to be taken by the counsel of Don Diego Pintado of the suspension which the law created. So far from it that I wrote a letter to Mr. Duponceau, in Philadelphia, the very day I heard the supreme court had given judgment, in which I mentioned that the case was returned, by an order of the supreme court, to the circuit court of New York, and that it was my impression the term was likely to be short; and that I was willing to concur in arrangements for the immediate assessment of the damages which the circuit court might award to the captors; and I added that the supreme court having decided upon the merits of the cause, I wished he would send the captain of the privateer, then in Philadelphia, to me, for the money brought into court, to be paid over to his claimants, for the purpose.

Mr. Duponceau communicated my wish to the captain of the privateer, and he accordingly came on and received the money before the circuit court began; and, in pursuance of arrangements, by mutual consent; the damages were assessed in time to be finally decided upon by the circuit court, and thereupon the proceeding was more than probably brought to a conclusion.

Mr. Duponceau, in his letter to me, which I received before the circuit court began, expressed the surprise that I should have taken the trouble of inquiring of Mr. Duponceau relative to my conduct, he would have been told that the tenor of it throughout the cause was fair, honorable, and liberal. I am possessed of several letters from Mr. Duponceau, in which he emphatically expresses this opinion, and returns me his thanks.

Not having been concerned in the suit against the privateer, I refer you to the attorney of the district for such information respecting it as he may suppose it proper to give you.

With sentiments of the purest esteem, I have the honor to be, &c.

ROBERT TROUP.

Mr. Harrison, District Attorney of New York, to Mr. Pickering, Secretary of State.

NEW YORK, December 12, 1796.

Sir:

Mr. Adet's long and extraordinary note of the 15th ultimo could not fail of exciting both surprise and attention. The variety of ill-founded charges which it contained against the most revered and respectable characters in our country, and its general strain of censure upon the wise and impartial measures of Government, had a natural tendency to make the reproaches it contained upon inferior individuals, be considered rather as marks of honorable distinction, than as indicative of disapprobation. Under the circumstances, I was conscious that, as far as I was concerned, in his censures, they were wholly unmerited. I had balanced, with myself, whether it could be proper to add any further statement to those communications respecting the case of La Vengeance, which had already been transmitted to the Government. The case being, at least, one of considerable importance, and as no public man, as far as I was personally concerned, and in deference to the request contained in your letter of the 10th instant, I shall briefly recapitulate the circumstances attending the several suits against the privateer, with the particular reasons that influenced my conduct as prosecutor for the public. I trust that the details I shall give are not only not a portion of those motives by which I was actuated, but also the propriety of the measures which I thought it right to pursue.

About the latter end of June, or beginning of July, 1795, the privateer La Vengeance arrived with a valuable prize in the harbor of New York, at a time when I was absent from the State, upon a tour to the eastward for the recovery of my horse and property. Upon the 20th of June, if I am rightly informed, a suit was commenced, on the admiralty side of the district court, by the Spanish consul, on behalf of the original owner of the prize, upon an allegation that the privateer had been fitted out in the United States. This cause was commenced in my absence, by the advice of Colonel Hamilton and Mr. Troup. I had no participation in the business, nor any knowledge of it, as far as I had been informed, until it was applied to, I should not have thought it incompatible with my station to have been originally concerned for the libellant as the free exercise of profession, in all cases where the United States are not parties, belongs to the district attorneys. Before my return to New York the case had already made some progress; the libel was filed, the prize arrested, and the claim of the libellant was filed by the Spanish consul, who is alleged to be the owner of the privateer.

Mr. Adet's insinuation, therefore, that the prize was arrested in consequence of any exertion or appearance of mine, is totally unfounded, and to be classed with the other groundless representations by the privateer. Upon my return, the counsel of the King of Spain, at New York, complained to me, in my official capacity, of a violation of law on the part of the privateer, in consequence of which a Spanish subject had been injured. This complaint was entitled to attention, both from its own nature and the situation of the complainant. I could not, under no improper bias from any connexion with the prize cause, even if I was capable of being so biased, because, as far as that time, I had no concern in it; and, therefore, Mr. Adet's observation that I acted "without laying aside my office of attorney for the captured," is equally unfounded with the one above noticed.

Upon making the inquiries which I supposed requisite, I found at least a probability that the complaint respecting the privateer was true. This probability arose from what I considered as affording the certainty of material proof: and, therefore, in conformity with my duty, I commenced a prosecution, grounded upon the statute prohibiting the arming of privateers in our ports. In the course of proceeding against the privateer, it was manifest that the cause would be of the United States and that against the privateer. I was the sole counsel, and it was agreed that the evidence taken in the one cause should be used in both. After some time, Colonel Hamilton's numerous engagements rendered it impracticable for him to attend constantly to the examination of witnesses, and as questions arose with respect to the cause against the prize, which did not emerge in that of the privateer, I was engaged to assist as counsel in the prize cause, continuing alone as to everything respecting the public prosecution. This I was ever to have been carried on with the utmost fairness on the part of the United States, and no methods whatever were employed to delay the decision, which, however, was necessarily retarded, in part by the time consumed in examining the numerous witnesses that were called on behalf of the privateer, and, in part, by the calamities suffering New York at that period. Perhaps, too, there were never causes in which more contradictory and irreconcilable evidence was offered, and in which the minds of the auditors were more divided as to the real state of facts. The judge of the district took a considerable time to examine the evidence and form his opinion, and though his decision was in favor of the cause, yet he expressly declared that there was no probable cause for the seizure, which has ever been considered as sufficient to justify a prosecution on the part of the public; and I believe that whoever will examine the mass of jarring evidence that was taken upon this occasion, will accord in that opinion, though he may think that, under all the circumstances, the facts were too decisive to warrant the discovery of a probable cause to institute the suit against the privateer, I united with my associates in recommending the like submission in that cause also. These are all the observations which I think it can be proper to make with respect to the first cause commenced against the privateer.

With respect to the second prosecution, which Mr. Adet says "is principally in question," the facts are these: During the course of the examination in the first cause against the privateer, it appeared that a quantity of arms and
ammunition had actually been exported in her from the United States at a time when such exportation was prohibited; and though I had been led to suppose, from some of the testimony, that these had formed a part of the privateer's equipment, yet, as this was contested, I thought it my duty to file another libel or information, stating the exportation as a breach of the prohibited law. Mr. Adet is pleased to say, that "this information was made upon the simple statement of a man, who, as information, has his part of the confiscation." In the first part of this assertion, Mr. Adet is certainly mistaken. The information was founded upon the evidence appearing in the other causes, not upon any declaration made by Mr. Giles; and as Mr. Giles was not the informer, but merely the seizing officer. I do not know that he would have been entitled to any share of the property if confiscated.

After the filing of the second information, it is remarkable that Captain Berard (who could best have contradicted the allegations contained in it, if they were not true) does not appear to have come forward, who could have derived any benefit from information of that description.

In the progress of the cause, however, the exportation of cannon is denied; the muskets attempted at one time to be made fowling pieces, and at another the property of passengers; and the powder, with some ball which accompanied it, is alleged to be but a part of a French privateer, and to have been afterwards replaced; but without explaining whencesoever, in what manner, the supply to the frigate was obtained.

Under these circumstances, the judge of the district pronounced sentence of condemnation against the privateer, founding his decree upon the exportation of the muskets, but without giving any direct opinion as to the powder, which, in my judgment, formed the most important and serious question in the cause; because, if foreign vessels of war might supply the ships or colonies of their nation with ammunition, from their equipments, and again replace the same, probably by purchases within the United States, every prudent and necessary precaution to preserve among us the means of defense, might, at the pleasure of foreigners, be rendered abortive.

The sentence of the district court in this case having been pronounced, an appeal, as stated by Mr. Adet, was interposed by the French consul at New York, and, about this period, a sole of the privateer took place by consent.

If the parties interested supposed that this vessel would sell for no more than a "tenth part of the cost of her armament," it was optional with them to have refused their consent. Mr. Adet knows no other law; it is not at all dependable upon the judge, requiring vessels to be given up upon security, under the circumstances stated. The French consul or his attorneys, and it would have been palpably improper that a privateer, condemned by the sentence of a court of justice, should by any act of an officer of the executive government go into the hands of one of the counsels, and be used to avert against its enemy. Such an act, properly considered, might have been considered as a deviation from strict neutrality, and might have been productive of serious consequences.

In the month of April last, the appeal in the case of the privateer came on to be heard before Judge Chase, in the circuit court of the district of New York. Whatever might have been the expectations of the consul or his attorneys, they did not choose to rest their case upon the evidence taken in the district court, but, upon the first day of the hearing, produced new witnesses. After these had been heard, the argument was commenced for the appellant, and answered on the part of the respondents; but as the judge plainly intimated his opinion, for confirming the former sentence, unless further evidence could be produced, to a particular point, the appellant's counsel applied for, and obtained, a delay of two days; and, in that interval, by some fortunate casuistry, met with a witness, who had only been a few months at New York, and was able to remove every difficulty.

In consequence of this new evidence, Judge Chase thought proper to reverse the sentence of the district court, condemning the privateer; but he not only certified that there was probable cause for the prosecution, but, as in the

No. 85.

CASE OF THE CASSIUS.

The Minister Pleni Potenturty of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, the 22d Thermidor, (August 9, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir:

The corvette le Cassius, belonging to the French republic, is detained in the port of Philadelphia; her captain cited before an American court; and he was, with the vessel and in her, committed to prison, if I had not ordered the consul to give bail for him. The proceedings were carried still further, an attempt was made to arrest him on board his vessel.

It is evident from the capitulation of the motives for his arrest. The result is, that he was taken before a court to answer for an act committed by him on the high seas, as commander of a state vessel.

We should distinguish, sir, between the acts of a private citizen and those of a public agent. The law is universal; private individuals should be amenable for offenses committed by them in a foreign territory, to the courts of the country in which those offenses are committed, and the laws of the country.

But the acts of a man in the character of a public agent are not his own; he represents his Government; and if he conducts so as to excite the complaints of the citizens of another state, or of this State, justice should not be required of him, but of the Government from whom he holds the authority in virtue of which he has done the act complained of.

It is his Government alone that is to judge whether the orders it has given have been well executed or not, and to approve or punish his agent, accused of an improper act towards neutral or allied nations, and to make such reparations as it deems just and equitable. Therefore the complaint should lie in his court before it, either directly, or through the medium of its own Government. Were it otherwise, one Government would become amenable to another; which would reverse the first principles of the rights of nations.

This incontestable principle is corroborated by the 16th article of our treaty, which states literally, " and that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of His Most Christian Ma-
The command of the corvette Le Cassius cannot be punished but by the French Government, should he merit punishment from the complaints which shall be exhibited to you.

The conduct of France to the United States should not lead them to imagine that she will ever be inattentive to their just complaints; she has been, and always will be, eager to repair, in an ample and complete manner, the slightest injury done to your rights.

What motive then could have led the American courts to arrogate to themselves the cognizance of the conduct of French agents? It gives me pain to disclose the matter to you. Yet, sir, it is not the first case that has presented: General Collot is brought here before a court, as Governor of Guadaloupe. I shall have the honor of addressing an official note to you on this subject.

I return to the affair of the corvette Le Cassius. She is detained here by the arrestation of her captain, which is a violation of the 19th article of our treaty, of which the following is a transcript: "In case the subjects and inhabitants of either party, with their shipping, whether public, and of war, or private, and of merchants, shall be forced, through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or repairation of their ships, and convenience of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whether they please, without any let or hindrance."

This arrest is likewise in this case very injurious to the interests of the republic, as the vessel is on a very important mission, and should depart without delay.

I return, sir, to observe to you that the arrest of the captain of the French corvette Le Cassius is a violation of principles and of our treaty. I therefore request—

1st. That you use the proper means for the liberation of the captain of the Cassius, and for removing the seizure of the vessel, unable to the 19th article of the treaty with the United States.

3d. That you have the complaint transferred to the French Government, who will repair the injuries committed, (if he has acted without orders) in pursuance of the 15th article of the same treaty.

The desire which you have more than once testified to me, sir, of rigorously maintaining the observance of our treaties, leaves me no doubt of your disposition to do justice to my demands. I therefore confine myself to request you to accelerate your answer, and the solution of this affair.

Accept, sir, &c.

P. A. ADET.

No. 86.

The Minister Plenipotentiary of the French republic to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 24 Thermidor, (11th August, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir:

I have just received the documents you will find enclosed. They relate to the corvette of the republic the Cassius. I had every reason to hope, that the letter which I wrote you on the 29th Thermidor, (9th August, 1795) would have been productive of its full effect. I cannot but consider the arrest of the corvette the Cassius as contrary to the 19th article of the treaty of France with the United States. Consequently, I renew my request to you, to obtain the execution of this article. Besides, I will observe to you that in my last note you ordered me to claim the literal execution of our treaties, and that you will never claim the like of the French republic in vain. I cannot credit the report made to the consul at Philadelphia. I cannot believe that it should be undertaken to take away the sails and apparel of a public ship, and consequently I forbade the consul to give security for the corvette the Cassius. It is for you to judge, sir, what is proper to be done in this affair, which appears to me to be more important than can be well imagined. I will close this letter by observing to you that the Cassius is to sail in six days upon an important errand.

Accept, &c.

P. A. ADET.

No. 87.

We, the officers, sailors, and soldiers, composing the crew of the corvette of the republic the Cassius, commanded by S. B. Davis, lieutenant of the navy, being at the wharf of Philadelphia, certify, that, on the 29th Thermidor, in the 3d year of the French Republic, one and indivisible, (or 11th August, 1795, O. S.) about six o'clock in the morning, there came on board an American, holding in his hand a large piece of paper, which was written upon: he addressed himself to one of us, who was officer of the guard; he spoke in the American language; not understanding him, we directed him to speak to the captain. He therefore addressed himself to the captain, and desired permission to deliver in the present note to you, from which he read to us. We were inclined to think that this was an affront to our national character; we desired to know why he had written his note to you, in the French language. We demanded to know whether he had any business with the American public; and as we thought that he wished to make a complaint against the American nation, we desired to know if he was not thinking of something that was injurious to our country.

He answered us that he did not come of his own accord; that he must do his duty; and since we would not permit him to affix his said paper, that he would render an account of it to his superiors, and that orders would be given to the fleets and ports to facilitate the departure of the corvette and to arrest her, and finally he retired. Of the whole of what is written above I have made a copy of the present report, to be immediately signed by the representative of the French people resident at Philadelphia, to serve and avail as it ought: Done on board the said corvette, the day, month, and year, aforesaid: this we signed after it was read with a loud voice in presence of the crew.

[Signature: B. Buhl (lieutenant on pay, &c.) Jn. Forest, Charpentier, Guilmort, Delisle, F. Clich, and Theirs.] The copy conformable with the original.

P. A. ADET.
The Consul of Philadelphia to citizen Adet, Minister Plenipotentiary from the French republic to the United States.

Philadelphia, the 24th Messidor, 3d year of the French republic, one and indivisible.

Sir: I have this moment received a letter from the captain of the corvette le Cassius, informing me that the practice made use of to corrupt his crew has succeeded. Eighteen of them deserted yesterday. 'Tis said they were last night committed on board by unknown persons, and the captain still apprehends other disorders.

Shall I give security in the name of the republic to the value of this vessel? I cannot do it as an individual, for I have not the means.

An answer will be called for in four hours. I expect by that time to receive yours.

A true extract.

P. A. ADET.

No. 89.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

Philadelphia, the 1st Fructidor, 3d year of the French republic, one and indivisible, (August 18, 1795, O. S.)

Sir: I have this moment received a letter from the captain of the corvette le Cassius, informing me that the practice made use of to corrupt his crew has succeeded. Eighteen of them deserted yesterday. 'Tis said they were last night committed on board by unknown persons, and the captain still apprehends other disorders.

Should I give security in the name of the republic to the value of this vessel? I cannot do it as an individual, for I have not the means.

An answer will be called for in four hours. I expect by that time to receive yours.

A true extract.

P. A. ADET.

No. 90.

Mr. Pickering to Mr. Adet, Minister Plenipotentiary of the French republic.

The President of the United States having assigned to me a temporary agency in the Department of State, vacant by the resignation of Mr. Randolph, your letter of the 10th instant was consequently put into my hands. I received it on Saturday, the 22d, and have since lost no time in making the inquiries necessary to enable me to return an answer.

The outrage committed towards the republic of France, in the person of your predecessor, by the British ship of war the Africa, being a violation of the neutrality of the United States, and of the laws of nations, engaged the immediate attention of our Government. The case was stated to Mr. Hammond, the British minister; but his departure for London, and the consequent transfer of the duties of his office to Mr. Bond, at present charged des affaires of the British Government, have doubtless occasioned some delay. I can, however, assure you that measures have been taken, and will be strictly pursued, for obtaining every repARATION in our power for any injuries committed, and for asserting the just rights of the French republic, so far as they have been infringed within the jurisdiction of the United States. You shall be duly informed of the result as soon as it shall be ascertained.

On the subject of the corvette le Cassius, which has been arrested at the suit of a citizen of the United States, Mr. Randolph has already informed you that, as long as the question is in the hands of our courts, the Executive cannot withdraw it from them. Of the truth of this principle, I trust no doubt will be entertained. As speedy a decision is the necessary forms of proceeding would admit, you had a right to expect. The answers received to my personal inquiries authorize me to say that, on the part of the court in which the Cassius was libelled, there was no unnecessary delay. Finally, a prohibition to the district court was moved for in the supreme court of the United States, where the motion was supported by such an exhibition of facts as induced the court to grant the prohibition; in consequence of which the Cassius was immediately liberated.

But I have since learned that an information has been filed in the circuit court of the United States against le Cassius, as a vessel illegally armed and equipped within the Jurisdiction of the United States.

I believe it will be contended that le Cassius is the same vessel which departed from the port of Philadelphia in December last, by the name of le Jumeeaux. This vessel (le Jumeeaux) openly resisted, in arms, the authority of our Government, attempted to be enforced against her for a violation of our laws. The circumstances are detailed in the official report of Daniel Robinson, dated January 5, 1796, of which I enclose a copy. This vessel was also understood to be at present commanded by a citizen of the United States, who went out in her ostensibly as a passenger, and who consequently was on board of her when the laws of the United States were forcibly resisted.

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No. 88.

The Consul of Philadelphia to citizen Adet, Minister Plenipotentiary from the French republic to the United States.

Philadelphia, the 24th Messidor, 3d year of the French republic, one and indivisible.

Sir: I have this moment received a letter from the captain of the corvette le Cassius, informing me that the practice made use of to corrupt his crew has succeeded. Eighteen of them deserted yesterday. 'Tis said they were last night committed on board by unknown persons, and the captain still apprehends other disorders.

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A true extract.

P. A. ADET.

No. 89.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

Philadelphia, the 1st Fructidor, 3d year of the French republic, one and indivisible, (August 18, 1795, O. S.)

Sir: I have this moment received a letter from the captain of the corvette le Cassius, informing me that the practice made use of to corrupt his crew has succeeded. Eighteen of them deserted yesterday. 'Tis said they were last night committed on board by unknown persons, and the captain still apprehends other disorders.

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An answer will be called for in four hours. I expect by that time to receive yours.

A true extract.

P. A. ADET.

No. 90.

Mr. Pickering to Mr. Adet, Minister Plenipotentiary of the French republic.

Department of State, August 25, 1795.

Sir: The President of the United States has assigned to me a temporary agency in the Department of State, vacant by the resignation of Mr. Randolph, your letter of the 10th instant was consequently put into my hands. I received it on Saturday, the 22d, and have since lost no time in making the inquiries necessary to enable me to return an answer.

The outrage committed towards the republic of France, in the person of your predecessor, by the British ship of war the Africa, being a violation of the neutrality of the United States, and of the laws of nations, engaged the immediate attention of our Government. The case was stated to Mr. Hammond, the British minister; but his departure for London, and the consequent transfer of the duties of his office to Mr. Bond, at present charged des affaires of the British Government, have doubtless occasioned some delay. I can, however, assure you that measures have been taken, and will be strictly pursued, for obtaining every reparation in our power for any injuries committed, and for asserting the just rights of the French republic, so far as they have been infringed within the jurisdiction of the United States. You shall be duly informed of the result as soon as it shall be ascertained.

On the subject of the corvette le Cassius, which has been arrested at the suit of a citizen of the United States, Mr. Randolph has already informed you that, as long as the question is in the hands of our courts, the Executive cannot withdraw it from them. Of the truth of this principle, I trust no doubt will be entertained. As speedy a decision is the necessary forms of proceeding would admit, you had a right to expect. The answers received to my personal inquiries authorize me to say that, on the part of the court in which the Cassius was libelled, there was no unnecessary delay. Finally, a prohibition to the district court was moved for in the supreme court of the United States, where the motion was supported by such an exhibition of facts as induced the court to grant the prohibition; in consequence of which the Cassius was immediately liberated.

But I have since learned that an information has been filed in the circuit court of the United States against le Cassius, as a vessel illegally armed and equipped within the jurisdiction of the United States.

I believe it will be contended that le Cassius is the same vessel which departed from the port of Philadelphia in December last, by the name of le Jumeeaux. This vessel (le Jumeeaux) openly resisted, in arms, the authority of our Government, attempted to be enforced against her for a violation of our laws. The circumstances are detailed in the official report of Daniel Robinson, dated January 5, 1796, of which I enclose a copy. This vessel was also understood to be at present commanded by a citizen of the United States, who went out in her ostensibly as a passenger, and who consequently was on board of her when the laws of the United States were forcibly resisted.
Now, admitting the facts to be as here stated, can it excite any surprise that Le Cassius should be subjected to the course of legal process before the courts of the United States? I persuade myself, sir, that your candor will allow them is ground sufficient to institute a legal inquiry, and to acquit our officers and tribunals of even the suspicion of improper interference in this case. You are pleased to advert to the new treaty between the United States and Great Britain. But, even if it were in operation, which is not the case, the assurances which have been given you are certainly just, that it could not weaken our engagements to France. These are secured by the laws of nations, and by an express stipulation in the treaty itself.

I am, sir, &c.

TIMOTHY PICKERING.

No. 91.

WILMINGTON, January 6, 1795.

Sir:

Your letter of the 29th ultimo, enclosing a copy of a letter from Mr. Rawle, also one to the Governor of this State, or the commanding officer of the militia, with one to the marshal of this district, I received the same day, at 11 o'clock. The letter to the marshal I immediately forwarded by express, and delivered the other to General Bedford, commanding officer of the militia in this place. He immediately ordered out one hundred and fifty militia, under the command of Major Grantham, who marched to Port Penn with all expedition, as the revenue cutter, under the command of Captain Montgomery, lay there; I also attended, and found, from inquiry, the ships Jumeaux, Captain Rualt, lay opposite the Thram Capps, supposed twenty-five miles below Port Penn. No other vessel could be procured than this cutter. It was thought most advisable to put a captain's command on board of her, with the deputy marshal of my district, on the 1st of January, 1795, they proceeded down the bay. What occurred you will see from the enclosed report, made by my deputy thereon.

I have the honor to be, &c.

GEORGE BUSH,
Collector District of Delaware.

No. 92.

Report of David Robinson, acting as Deputy Collector for the District of Delaware, respecting the ship Jumeaux, Captain Rualt.

December 31, 1794.

Agreeable to orders given to me by George Bush, collector of the district of Delaware, I proceeded to Port Penn in the revenue barge; and, on January 1, 1795, went on board the revenue cutter General Green, commanded by Captain James Montgomery, with Thomas Rothwell, the deputy marshal, and Captain Dale of the militia, with about forty men; we proceeded down the bay as far as Bombay Hook, where we found the ship Jumeaux lying at anchor. The cutter then hove to near to the ship. The deputy marshal, Captain Montgomery, Captain Dale, Ensign Van Dyke, and myself, boarded the said ship in the cutter's boat, and found her to have no more guns than what appeared she cleared out from Philadelphia, viz: four on the forecastle, and two swivels; her ports were opened for eighteen guns, with ring-bolts, &c.; and appeared to have about forty men on deck (and it was believed a number more in the hold.) She was deep watered; near five feet high in her waist, and well found. As soon as we boarded her, the commanding officer was asked if the ship was called the Jumeaux, and if his name was Rualt to both of which questions he answered in the affirmative. The marshal and myself made known to Captain Rualt that we were civil officers of the United States, and, by virtue of authority given for that purpose, do now seize the ship Jumeaux, for having violated the laws of the United States, by contravening our neutrality, and demanding of the captain, forthwith, to return with his ship to the port of Wilmington to stand trial. Captain Rualt, after much discussion and provocation, submitted reluctantly, and promised to carry the ship back; and he accordingly weighed anchor and stood up the bay about three miles. Soon after, the pilot, named Joseph Brussell, in consequence (as it appeared) of threats from the crew and the command of Captain Rualt, (as it was in French) bore away the ship, and stood down the river again; Captain Montgomery ordered the pilot to alter his course and stand up the river; he said he dare not act contrary to Captain Rualt's orders; Captain Montgomery took hold of him to send him on board the cutter, upon which several of the crew seized him, and, by force and violence, detained him. Captain Montgomery then hailed the cutter and ordered her to keep close on board; upon which there was an immediate cry of citizens to arms; and the boatwain also piped to arms. Captain Montgomery knocked the pipe out of the boatwain's mouth, for which he was very much insulted; so much so that he laid his hand on his sword; and, after which, we were all treated very rude and insulting. They immediately manned their cannon, and brought them to bear on the cutter, and ran into the round houses of their arms. Captain Rualt said he could not command his men; that they were determined to go to sea, and would not return; night approaching, it was thought most advisable to leave the ship (though the marshal wished to stay all night.) The Captain said he would not sail that night, but would come to an anchor, which he did; we accordingly returned to the cutter; and, not having sufficient force to stand her cannon, without sacrificing a number of good citizens, and perhaps to no effect, we returned to Port Penn about 10 o'clock that night. The next day Major Grantham put as many men on board the revenue cutter as she could carry, and got a small sloop with the remainder of the troops on board, and the revenue barge, with a determination to board the ship; we got under way, and proceeded down the bay, but could not find the ship; she had taken her departure with a fair wind, and was out of sight. We then returned to Port Penn, and the troops were ordered to their respective places to be dismissed.

DAVID ROBINETT.

WILMINGTON, January 5, 1795.

N. B. The boatwain, a Frenchman, and four of the men, took the ship's boat the night after we left the ship, and made their escape. He says they were discovered just as they left the ship; the officers ordered some of the passengers to fire on them, as they said they were all passengers, but none would fire. He reports they had ninety-five men on board, and plenty of ammunition; the ship, he said, got under way about nine or ten o'clock P. M. the night after we left them.

No. 93.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of the Department of War, charged with the Department of State.

PHILADELPHIA, the 1st Vendémiaire, (September 22, 1793, O. S.), 4th year of the French republic, one and indivisible.

Sir:

Possessing full confidence in the sentiments of the Government of the United States, I presented to it my claims with regard to the corvette Le Cassius. If they were urgent, they were founded in justice. In my last letter to Mr. Randolph, I complained of the arrest of the corvette Le Cassius, in violation of our treaties. My complaints were just, and the supreme, prohibiting the district court from pursuing this affair, is an evidence of it. Individual interest had confounded the principles developed in my letter of the twenty-second
Thermidor to Mr. Randolph. The supreme court, far from favoring the abuse committed, rendered hommage to them. But, sir, individual interest does not always calculate upon principles: if, in taking a step, it misses the object it proposed to attain, it withdraws, and pursues another route.

The new arrest of the Cassius, perhaps, furnishes us with a proof of this truth. Perhaps the individual who first obtained a man was not the same that has been induced, under the shadow of your laws, to invent the story which compelled the authority to cause the Cassius to be arrested anew. Has Mr. Ketland, who perhaps informed against the corvette Le Cassius, as having armed in the United States, wished only to serve the interest and feelings of his quarter? Is it possible that the sentiments probably dictated the step? His origin; his connections in this city; the desire of serving the country which gave him birth, by paralyzing in your ports a vessel of the republic by embarrassing the American Government between its laws and the treaty; by troubling the harmony which subsists between your country and mine, and which certain people are interested in destroying; these, perhaps, are the true motives of an information colored with the species love of the laws. I am far from insinuating that there are no just suspicions, or that the arrest of the Cassius will not lead to others; but, sir, the government of the United States, after examining the circumstances, it appears to me that his information, whether founded or not, does not change the state of things, and that the violation of our treaty is not less manifest.

I shall not lead you to observe, sir, in order to support the conjectures I have presented to you, that the information of Mr. Ketland was on the very day in which the seizure of the Cassius was taken off. I shall not wait to give you new suppositions, which, perhaps, are not destitute of foundation, but will immediately pass to the proofs in support of my opinion before I inform you of the course which these circumstances oblige me to take. I conceive, sir, that committing the armament of the Cassius in the United States, her seizure is invalid: for this vessel new belongs to the republic; and the nineteenth article of our treaty expressly states, that State vessels may freely enter and sail from the ports of the United States without receiving the least hindrance. The literal meaning of the article then permits the entry of the Cassius. If it were otherwise, the republic would become (in the hypothesis of armament in the United States) responsible for the faults or wrongs of an individual. A vessel, by changing owner, would then always be a security for the faults of her first proprietor. If a frigate of the republic should take an English vessel armed in the United States, and if, from the fortune of war, the Cassius should fall into the hands of these vessels, would they then seize her? Of this conclusion, it is naturally results from the state of things, but it is probable that Mr. Ketland would not draw it if the English flag had weighed on board the Cassius.

In the distribution of ordinary justice, would it not be equitable to seize the arms of a citizen, because before they belonged to the vessel, there had been an attempt to assassinate him? The person is not his weapon, nor is the weapon of the person. If the Cassius touched the United States, she was and is, the Cassius. The vessel which the name of Les Jumeaux, was formerly armed in the port of Philadelphia. But, sir, when this vessel arrived last year at Philadelphia, (the time of the pretended armament) she was armed with four cannon and two swivels. The proofs of this fact must have been in the custom house. It is true, also, that one Guenet was convicted for having attempted to put cannon on board Les Jumeaux, which were intercepted on the way. But this attempt, although punishable in the terms of your laws, is not an armament, and even had it succeeded, it would have been but an augmentation of force, and an augmentation of force is not an armament, and does not, according to the law of 5th June, 1795, occasion the confiscation of the vessel.

How shall we, therefore, qualify the conduct of Mr. Ketland, who could not be ignorant of the law? How shall we avoid seeing in it a formal design to insult the French republic, especially when it is observed that he began the proceeding without cause? I have heard, sir, and his counsel himself has acknowledged, that the vessel does not belong to the United States, that the vessel is not an armed vessel, and that, agreeable to your laws, it belongs exclusively to the district courts to decide in cases of forfeiture. Yet, sir, by the circuit court, which you know has only appellate jurisdiction, that they have had the Cassius seized. This court has but two sessions in a year. It sits but once at Philadelphia. The district court, on the contrary, is always open. If the Cassius had arrived on that day, the vessel has influenced their authority in the present session; it has been seized a short time, but a considerable time elapses before a decision can be obtained in the circuit court; it will not fail, therefore, to declare itself incompetent. Of what importance is it to the men who have promoted the arrest of the Cassius, and who can only enjoy the satisfaction of having indicated the French republic with impunity, and of having abused your laws in order to satisfy the hatred of England?

Whatever reason I had to complain on seeing a discussion relative to the execution of our treaties brought before your ordinary tribunals, when it appertains, according to all established rules among nations, to the Government of the United States, although I should, in such cases, only address myself to the Government of the United States, in order to obtain justice, it being charged with the execution of treaties, yet I did not wish to neglect any means of conciliation in my power, and latterly caused security to be proposed to obtain the reprieve of the vessel, reserving to myself and to you the privilege of determining on an affair unpleasant in all its aspects, by subsequent negotiations.

In these hopes I have been deceived, the security was refused, and the affair is of course abandoned to the decision of the courts. It is well known that delays which nothing could control, at the expenses occasioned to the republic by supporting a vessel which rendered it no service; fearing with just reason, lest the crew (a part of which has been corrupted) should desert after having been so expensive to the republic, I have ordered her to be disarm'd; and from this moment I应当 not applicably to the Government of the United States, under the reservation of referring the matter to the French Government.

I venture to hope, sir, that the Government of the United States will take proper measures to prevent the forces of the republic from being paralyz'd in its ports, and evil minded people from abusing the laws in order to arrest the execution of treaties. If a single circumstance can afford a cause for the ceremony of justice, there is no reason why the first frigate which shall arrive from Europe should not be seized as having armed in the United States. Accept, sir, &c.

P. A. ADET.

No. 94.

Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, October 1, 1795.

Sir: You have seen that the President of the United States, to maintain the respect due to them, had anticipated towards the British vice consul at Newport, that severity which in your letter of the 10th ult. you considered his offensive conduct required.
In your other letter of the 10th ult. you mention the violation of the law prescribed by the President (conformably with the usage of the European nations) to regulate the sailing of armed vessels of the belligerent Powers, in the case of the British ship the Africa, which pursued the Medusa immediately on her leaving the harbor of Newport. This additional insult and injury by Captain Home, commander of the Africa, was represented in the first description of the facts and circumstances of the said capture to the United States minister in France.

With great pleasure I acknowledge the very different deportment of the officers and company of the French privateer Medusa, of whom not a whisper of complaint has been heard, and who I have reason to believe conducted with exemplary propriety, and respect for the laws. Such would be the conduct of all foreign officers, in neutral ports, if they had the truer notions of the laws of nations, and knew that their own powers were vested in the individuals of their own country, and not ascribed to a vessel as such.

On the 24th ult. I received your letter of that date, and one of the 22d.

On the subject of the privateer La Vengeance and her prize, of which, till the receipt of your letter of the 24th ult., I had no information written to the district attorney of New York, enclosing a copy of your letter, and of the four papers accompanying it, and directing him to furnish me with such information as might be necessary to convince Executive of the United States of the conduct it ought in this case to observe. Here I must rest this matter until his answer shall be received.

With regard to the armed vessel to Cassius, which is the subject of your letter of the 29d ult. I have some observations to make.

In the letter which I had the honor to write you on the 59th of August, I said that any delays which had happened in the district court, on the first process against the Cassius, were not to be ascribed to the court: I may now add that the reason of the delay was that one of the papers was not filed before the proper time. Afterwards exhibited to the supreme court, to obtain the prohibition, this step would doubtless have been unnecessary: the district judge, influenced by the same principles, would probably have dismissed the lien. But that decision did not, I conceive, necessarily involve the present question.

Now that a new action has been commenced against the Cassius, I must repeat what has been already stated, "that as long as the question is in the hands of the courts, the Executive cannot withdraw it from them;" and therefore is not chargeable with suffering a violation of the treaty subsisting between the two republics.

Cassius, under the American flag, a privateer armed vessel, in the port of Philadelphia, is uncontrollable: This was established on the trial of Guenet, who superintended her equipment. You have been informed on this as well as on some other points, both of law and fact. A vessel may be armed, and at the same time be an armed vessel. The reason of this remark applies to Les Jumeaux when she arrived in the port of Philadelphia.

Now, by a law of the United States, to which you refer, a vessel so originally armed and equipped is declared to be liable to confiscation. Whether the subsequent transfer of the property to the French republic will exempt it from this punishment, I do not see, but the question is one to leave to the court; you have only attempt—for it would be the duty of the court to resist its mandate) to remove the question from the judiciary, it would be a violation of the constitution: and you will see immediately that the measure would be as unsafe as unconstitutional.

A fair investigation of the case of the Cassius might lead to this conclusion: that by the law of the United States, she was really liable to confiscation. This admitted, let us suppose her to be now discharged, by the consent of Government, without a trial, and that, in her first cruise, she should take from the enemies of the French republic, prizes of very great value, what would be the consequence? The nations to whom, or to whose subjects, these goods belonged, would demand, and expect to be paid, that value, whatever might be the amount, and it might be immense, by the United States. What also would be the consequence, if the vessel were armed, if there were sufficient force of the vessel with all her equipments, much more than the personal punishment of the agents concerned in fitting her out, was considered by the law as the most effectual guard against the violation of our neutrality. And as to the question of confiscation, you have been taught not to say, "that whether the question respects an individual or a nation, principles are the same, justice is the same."

You have been informed that the circuit court is a tribunal incompetent to take original cognizance of the question of which we are treating that of this the prosecutor could not be ignorant; and thence you see in this measure the design of a formal insult to the French republic. But, sir, the counsel who have told you that such is the law have led you into an error. The question does not respect a confiscation for the breach of the laws of trade, of which the district court has jurisdiction, but for the infliction of a criminal law; for which the penalties are a forfeiture of vessel and equipments, a fine against her, and the persons who equipped and armed her, to fine substantial which may extend to three years; to declare and inflict all which the district court is competent: but the district court can take cognizance of no crimes where the penalties may exceed one hundred dollars, and imprisonment for six months.

You will see the difference between a prosecution grounded on the law of the 5th of June, 1794, when brought against the Cassius, a vessel clearly proved, on a judicial investigation, to have been equipped in violation of that law, and another where a vessel, after coming into "the ports of the United States." No one, it is imagined, would be so unwise, as if he could be so unprincipled, as to attempt an arrest of the latter, and subject himself to the damages recoverable, I presume, for prosecuting a groundless and vexatious suit. Nor can I believe our ministers of justice would be so blind as to discern the entire distinction between the two cases, or that they would not instantly reject the information founded only on pretense, while they as readily admitted the litigation of a question of law, arising on a fact previously established before a judicial tribunal.

After the many assurances which have been given to the ministers of the French republic that the Government of the United States holds itself bound, as well by inclination as by duty, faithfully to observe its treaties, it is unpleasant to receive so frequent intimations of its violating, or suffering them to be violated. There are powerful motives to induce its exact adherence to them, and among these, a regard to its own dignity and reputation, and a love of peace. We are so far distant from them, as to allow ourselves the opportunity of the same conversant in our laws, but who ought to be more correct or less sanguine in their legal opinions. In the case you mention, where, "neglecting no means of conciliation in your power, you directed security to be offered to obtain a release of the vessel," the judge himself, finding no law to warrant the measures, called on the consul to open one of them, more skilful in the laws, or more candid, confessed he knew of none and, therefore, the security was refused.

After this detail, it will be unnecessary for me to declare to you, sir, that the Government of the United States will not knowingly suffer the force of the republic to be paralyzed, or her vessels detained in our ports by ill intentioned people, in abuse of the laws. I am, with great respect, &c.

TIMOTHY PICKERING.
FRANCE.

No. 95.
Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, April 15, 1796.

Sir:
In my correspondence with you on the subject of the armed vessel the Cassius, which you claimed as the property of the French republic, I had the honor to inform you that, such was the nature of the prosecution against her, the Executive must wait for the decision of the judiciary power. The court is now sitting in which that decision was expected.

In order to bring the cause to a fair trial, the attorney for the United States, at the preceding court, filed a suggestion stating that the vessel had, in a foreign port, bona fide become the property of the French republic. I have now to request, sir, that, if you have any documents or testimony to support that suggestion, you will be pleased to communicate the same to me, to be put into the hands of the attorney of the United States; or that you would instruct the legal counsel whom you employ for the French republic to make the proper use of those documents and testimony, to substantiate the claim of the republic to the Cassius.

The informants, by whom the prosecution was commenced, will probably press for a trial at this term.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 96.
The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 2d Floréal, (23d April, 1796, O. S.),
4th year of the French republic, one and indivisible.

Sir:
You requested, by your letter of the 19th of April, a communication of documents or testimony relative to the purchase, by the French republic, of the corvette the Cassius.

The French republic has not to prove its contracts to foreign courts. I had the honor, sir, in the correspondence which took place between us on the subject of this affair, to declare to you that I knew no relations but with the Executive of the United States, and that, whatever were their interior regulations, I could not, and should not, address myself but to it, in every case for which our reciprocal treaties and conventions have not pointed out a recourse to a particular authority.

The arrest of a State vessel is one of those for which I should address myself only to the American Government; the only fact to be proved is that of the property; and to establish that, sir, my declaration should suffice.

The dignity of nations does not permit their good faith to be brought into question.

I have, therefore, upon the principle of the arrestation of the Cassius, furnished a certificate stating that she was French property, and a State vessel. This certificate is probably among the documents of the prosecution carried on by the Government of the United States, on account of the abandonment which I made to it of the Cassius, under the reservation of the right to her.

However, to comply with your desire, I have the honor to send you a second, more explicit than the former, of which you will make what use you may think proper.

Accept, sir, the assurance of my respect.

P. A. ADET.

No. 97.

The French Republic.
The Minister Plenipotentiary of the French republic near the United States of America declares, to all whom it may concern:

That the corvette le Cassius was a corvette of war belonging to the republic of France; that she was sent to him as such by General Latouche, Governor of St. Domingo; that she was commanded by an officer of the national marine, charged with a particular mission to him, which the arrest of this corvette has interrupted; in a word, that the crew of the said corvette was composed of mariners in the service of the republic, and her marine composed of soldiers and officers of the national army.

[LS.] Done at Philadelphia, under the seal of the Legation, the 2d Floréal, 4th year of the French republic, one and indivisible, (22 April, 1796, O. S.)

By the Minister:

BRUNET.

No. 98.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, April 25, 1796.

Sir:
I duly received your letter and certificate, relative to the property of the armed vessel le Cassius being in the French republic, and have handed the same to the attorney of the United States for the district of Pennsylvania, who has the affair under his management. But he deems it material, to obviate the pleas of the prosecutors, to ascertain the time when she became the property of the republic. If you have any evidence or document to ascertain this fact, I pray you will have the goodness to furnish me with it, as expeditiously as possible. The court will then have before it all the proofs requisite to govern its decision; although what this will be, whether of condemnation or acquittal, I cannot undertake to judge.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 99.
The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 6 Floréal, (25th April, 1796, O. S.),
4th year of the French republic, one and indivisible.

Sir:
In consequence of your letter of the 25th of April, I have the honor to address to you a certificate of the date of the purchase of the corvette le Cassius by the French republic.

Accept, sir, the assurance of my respect.

P. A. ADET.
FOREIGN RELATIONS.

No. 100.

Republic of France.

The minister plenipotentiary of the French republic near the United States declares,

That the corvette le Cassius, belonging to the State, became the property of the French republic by a bill of sale dated the 19 Pluviôse in the 3d year.

[L. S.]

Done and sealed at Philadelphia, the 6 Floreal, 4th year of the French republic, one and indivisible.

By the minister:

BRUNET.

P. A. ADET.

No. 101.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 3, 1796.

Sir:

I have to regret that the fate of the armed vessel Les Juneaux, now called le Cassius, is still in suspense. I requested the Attorney of the United States, Mr. Rawle, to whom the cause had been committed, to inform me of its present situation. Before this abandonment, I complained to you particularly to the last paragraph of that letter, by which you will see it is plainly understood to be the sense of the court, that the regular course of legal investigation not admitting the official certificates with which you were pleased to furnish me, as conclusive proof of the property of the Cassius, will require further evidence in another form.

I am very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 102.

William Rawle to the Secretary of State.

May 28, 1796.

Sir:

As soon as I received the supplemental certificate of the French minister, which was not till the 26th of April, I gave notice in court that, before the session ended, I should move to have the prayer of my suggestion granted and the information dismissed.

A jury trial then before the court prevented any thing else being done until the 29th, when the counsel for the informant against the Cassius mentioned that they would, on the following day, come forward.

This was then done by requiring me to show the foundation of my suggestion.

I produced part of the correspondence between you and Mr. Adet, and the two certificates of that minister. It was urged by the informant's counsel, that the same proof was necessary to authorize receiving a suggestion as would be to support it on trial, and that as such certificates would not be received in that case, they ought not now to be admitted.

But the court observed that much less was sufficient in one case than in the other.

A regular motion was then made by the informant's counsel, that my suggestion should be dismissed; this I declared myself ready to argue with them immediately; but as we were now at the close of the session, it appeared to the court impossible to get through the business, and it was therefore unavoidably continued till next October.

It appeared, however, so plainly to be the sense of the court that further evidence as to the property of the Cassius would be necessary on a trial of the facts, that I scarcely expect, with the aid of those two certificates only, to succeed.

I have the honor, sir, to be, &c.

W. RAWLE.

No. 103.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 15th Prairial, (3 June, 1796, O. S.) 4th year of the French republic, one and indivisible.

Sir:

By abandoning the corvette le Cassius to the United States as I have done, the French republic is become absolutely unconnected in the suit prosecuted on account of her seizure.

The letter written to my predecessor by the Secretary of State, on the 17th November, 1794, on the subject of the Favorite, recognized a principle, according to which I should flatter myself that you would cause this attack by a court, whose forms and authority cannot extend to the French republic, to cease.

The justice you rendered in the affair of the Favorite leads me to think that if I have not received it in the case of the Cassius, it doubtless arises from the effect of some circumstances which changed your situation: I am not to examine them, sir, and it was for that reason that, upon your refusal, I abandoned the vessel.

Now this affair is become yours, I shall give no other answer to the communication you have thought proper to make to her situation, than that a vessel of war never was navigated with any other vouchers than the captain's commission and the roll of the crew; that no other proof has ever been required for establishing the ownership.

Whether she was purchased or built on account of a State, or was taken from an enemy, or, in fine, acquired in any manner whatever, she becomes a public vessel when manned by mariners commissioned by the State.

But what I have the honor of saying to you in this respect, you know, sir, as well as myself, and, notwithstanding the desire of doing what may be agreeable to you, I cannot derogate from the rights of my nation by furnishing other proofs than those which have been given—the captain's commission and my certificate, which was also supercroyatory.

I notify you, sir, that the minister for Foreign Affairs has ordered me to ascertain, with you, the reparation for the injuries and damages arising from the proceedings you have ordered or permitted with respect to this corvette; but I defer treating on this point of right until I shall have received new orders from my Government, in virtue of the abandonment I made to you of this vessel, which they could not have learned until a few days after the departure of my first directions. Accept, sir, &c.

P. A. ADET.

No. 104.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, October 19, 1796.

Sir:

The marshal of the district of Pennsylvania has just produced to me a transcript from the minutes of the circuit court, of its proceedings in the case of the ship Cassius, on the information of John Ketland against her. The
court, on the 18th instant, 'ordered that the information be dismissed,' it appearing to the court that they had no jurisdiction.

The ship remains at present in the custody of the marshal, but ready to be delivered to your order.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 105.

Case of Le Cassius.

In pursuance of the request of the Secretary of State, the attorney for the district of Pennsylvania has the honor to return the following statement, which he hopes will be found correct.

The ship Cassius arrived at the port of Philadelphia in the 4th of August, 1795, from Port de Paix, and as a public ship, of which the count of her force was given to the custom house officers, agreeably to the usual practice. On the 5th of August, Mr. James Yard, a native American citizen, and merchant of Philadelphia, filed a libel against her, in the district court of Pennsylvania, and prayed process of attachment against the vessel, and of arrest against the ship.

The libel stated that a schooner, called the William Lindsay, with a cargo on board, both belonging to the libellant, were captured on a voyage from the Island of St. Thomas to the city of St. Domingo, in the Island of Hispaniola, by the Cassius, under the command of Samuel B. Davis, who pretended an authority from the French republic, but really was a citizen of the United States that the said schooner was carried into Port de Paix, and there wrongfully detained, without compensation to the libellant; and that the Cassius had been illegally fitted out from the port of Philadelphia.

In consequence of this application the vessel was attached, and the captain arrested by the marshal.

Before the return of the process Mr. Adet wrote a letter to Mr. Randolph, then Secretary of State, (dated 29th Thermidor, 3d year of the republic, answering to the 9th of August) complaining of the detention and arrest; referring to the 15th and 19th articles of the treaty with France, and requesting the Secretary of State, 1st, to take the necessary measures to restore the captain to his liberty, and release the vessel; and, 2d, to cause the complaint to be referred to the French Government, which would repair the injury if the captain had acted without orders.

About the same time complaints were made on the part of the British resident, earnestly urging that the Cassius, having been, as alleged, illegally fitted out, should be detained, and that Government would enforce the laws against both the vessel and the captain, as an American citizen holding a commission under one of the belligerent Powers. On these opposing pretensions the attorney of the district of Pennsylvania was personally consulted by Mr. Ran
dolph. It became obvious necessary to determine, in the first place, and as speedily as possible, what the law required, before the political obligations, which might arise from the occasion, could be considered. It appeared to the district attorney that, "if the French Government had made a fair and unsuspecting acquisition of the property of a vessel, then lying in their own ports, and, out of the reach of the jurisdiction of the United States, a cause of forfeiture previously existing, but unknown at the time of the purchase, could not, at a future day, revive, so as to subject the same vessel, still remaining the property of a sovereign nation, to the process of our courts."

"Penal laws are strictly local, and affect only what they can reach."

"The change of property, in a foreign country, is therefore a question; and the question is, the effect of the purchase, made by an individual, the right acquired by a foreign sovereign appears, on the principles of national policy, to be superior to the pre-existing right of forfeiture."

A sovereign is not amenable to the tribunals of another.

What cannot be done directly ought not to be done indirectly.

Process of information and seizure indirectly brings the sovereign to submit to the tribunal, or to abandon the property. There is, indeed, little difference between the direct and indirect mode of effectuating this event, since an attachment of some movable article must be, in general, the mode of compelling the appearance of a foreign sovereign. Inconceivable evils would result from the allowance of the first experiment. An impudent individual might, at least, endeavor to detain a whole squadron by process, which it would be just in the French to demand that the public power of a country in bondage should not, in respect to the charge against Captain Davis, the district attorney was of opinion that an acceptance and exercise of a foreign sovereign, within the territory and jurisdiction of the United States, were necessary to constitute an offence within the act of Congress, entitled " An act in addition to the act for punishing certain crimes and offences against the United States." That, although, by coming in the port of Philadelphia, with the command of the Cassius, the exercise of the commission was complete, yet the acceptance of it appearing to have taken place in a foreign country, he could not be deemed liable to prosecution.

The foregoing opinions being verbally communicated to Mr. Randolph, produced a request on his part that the speciest method for obtaining a decision of the question should be adopted.

In the mean time some propositions for an amicable adjustment of the complaint of Mr. Yard afforded a prospect of another termination of the controversy; but, these failing, the district attorney, in obedience to his instructions, prepared a suggestion to the district court, a copy of which will be found in the annexed exemplification of the record, and which he exhibited in court on the 21st of August, where it was received and filed.

This mode of proceeding being somewhat novel, may require an explanation.

This copy of the record was submitted to the circuit court, and called, as it appeared, with no very clear conception of the constitutional powers of the Executive, for a direct interference to annul the judicial proceedings.

A claim in the name and behalf of the French nation, or a plea in the same name and behalf, to the jurisdiction of the court, would have been consistent with the technical forms of proceeding; but the district attorney had no authority to use their name; he had no warrant of authority to produce from them if required. The United States, however, had an interest in the question; and, recurring to authorities; where the interests of third parties had been effectually before even courts of common law, he ventured, as a more solemn form of motion, to state to a court of admiralty and maritime jurisdiction, the interest which he represented, and the objections he had to urge, in the form above mentioned. On the same day a plea to the jurisdiction of the court was filed in the name of Samuel B. Davis, by counsel employed for him. The intention of doing this had not been communicated, or the suggestion would have been deemed unnecessary; but, so far from interfering with, they tended to support each other; both for the same purpose remained upon the face of the court, in course to be answered on the next court day.

In the mean time, the counsel employed for Captain Davis applied to the supreme court of the United States, then in session, for a prohibition to the district court; which was granted upon principles which will be found to coincide with those which had directed the conduct of the district attorney; a short statement of which is inserted in the writ of habeas corpus contained in the record annexed: and thus the proceedings in the district


†This mode of proceeding was supported by the authorities of Vattel prelimin., 18, 20. Vattel c. ii. 36. Burlamaq. c. 9. vol. i. p. 69. Dallas, p. Nation vs. Virginia, &c. And slightly opposed by Martens and Byrneskok—Martens b. 1. § 8. Byrnes de furs legatum, c. iv. On the operation of forfeiture by penal laws, see Henry Blackstone's Reports, 135. 5 Term Reports, 132. Term Reports, 260.

Lord Hardwicke, 237. Comp. 734, and Instances of Modern Practice.
court were terminated. In reviewing the case to this point, it obviously appears that the conduct of Government was justifiable and consistent; that the obligations of the treaty with France were faithfully obeyed, by taking every constitutional method in aid of the requisitions of the French minister that the occasion could reasonably admit, without evasion or delay, and that nothing but the existence of a controlling power over the courts of justice, wisely excluded from our constitution, although it seems to be supposed in the complaint, could produce favorable conclusions.

The business now assumed a new aspect. On the 24th August, Mr. John Ketland, a citizen of the United States, filed an information in the circuit court, founded upon the act of 5th June, 1794, entitled “An act in addition to the act for the punishment of certain crimes against the United States” and having made oath to the truth of his allegations before one of the judges of the supreme court, obtained an order to attach the Cassius. It is necessarily to observe, that the Government of the United States had no share in this transaction. Where a forfeiture is given by law, as in the present instance, to be appropriated one-half to the informer and the other half to the public, any individual has a legal right to commence and prosecute, and recover his share or defeat the suit. The moiety due, upon conviction, to the public, may be remitted; but the moiety due to the informer, is subject only to his own will.

It therefore ensued, that the part to be taken by the Government of the United States, on this new occurrence, was precisely another, and that which attended the suit in the district court. And directions were given accordingly to implicate the conduct of the judge of the supreme court who signed the order to the marshal, evidences a very moderate share of information. To administer the oath, and issue the order required, were as precisely his duty, as it was to repel the attempt to obtain the liberation of the vessel previous to the meeting of the court.

Mr. Adet, on the 1st of September, (not on the 1st of August, as stated in his note) renewed his complaints to the Secretary of State, urging, among other things, that the suit had now been carried to an incompetent tribunal. It certainly was not in course for any other public officer than the judges of the courts to decide upon the doubtful jurisdiction of the circuit court in this instance.

A judicial system, in some respects perfectly new, in the present instance yet untried, required a regular and professional discussion before the point could be determined. Two gentlemen, of eminence at the bar, concerned for Mr. Adet’s rights, appeared before the circuit court, and were authorized to present a memorial to the executive authority, to assert security to be given for the Cassius, to enable her to proceed upon her voyage, was, on consideration, rejected; because, if it should afterwards be made to appear that the ship had been illegally fitted out in a port of the United States, other nations, who might suffer by her warlike operations, would have just cause to claim a compensation from the United States, and this, independent of the ground already stated in considering the subject of forfeiture; because the request was believed to be without a precedent; and because it would, in effect, have been assuming the judicial power of determining on important questions in view. The executive power was therefore restrained from affording further aid to the efforts of Mr. Adet, until the court should meet at Yorktown, the 11th October. On the 31st September, Mr. Adet, made his further formal efforts to signify to the Secretary of State that he had caused the Cassius to be dismantled, and abandoned her to the Government of the United States.

From this time, therefore, the particular motives to urgency on account of the mission with which the Cassius was said to be charged, seemed to have ceased. But the efforts to obtain a discharge of the suit were not on that account relaxed.

At the meeting of the circuit court at Yorktown, the district attorney filed a suggestion similar to that used in the district court.

The multiplicity of criminal business prevented his obtaining a decision, but it had the effect of suspending the progress of the information. The cause was necessarily continued till April session of 1796.

A letter from the district attorney to the Secretary of State, dated May 26th, 1796, relates the proceedings of that April session, which were somewhat delayed by a reluctance on the part of Mr. Adet to furnish sufficient documents to establish the property of the Cassius. A copy of the letter, as a proper continuation of the narrative, is here inserted, viz:

**May 26, 1796.**

Six:

As soon as I received the supplemental certificates of the French minister, which was not till the 28th of April, I gave notice in court that, before the session ended, I should move to have the prayer of my suggestion granted, and the information dismissed. Then before the court, prevented any thing else being done until the 29th, when the informant’s counsel mentioned that they would, on the following day, come forward. This was then done by requesting me to show the foundation of my suggestion. I produced part of the correspondence between you and Mr. Adet, and the two certificates of that which attended the suit in the district court, appropriated the judicature of the circuit court, over which I preside, and the fact of the receiving a suggestion as would be to support it on a trial, and that, as such certificates would not be receivable in that case, so they ought not now to be received. But the court observed that much less was sufficient in one case than in the other. The incontestable to the two papers under whose authority their commission is in fact, and that, on the 8th May, 1796, Samuel B. Davis was a lieutenant of ships in the French navy, and commander of the corvette called the Cassius, having a lawful commission; that James Yard, of the city of Philadelphia, merchant, has

**December 21, 1796.**

No. 106.

**Abridgment of the Writ of Prohibition, directed to the District Court of the United States in and for the Pennsylvania District.**

The prohibition recites that, by the law of nations, and the treaties between the United States and France, the trial of prizes taken without the jurisdiction of the United States, and brought into the jurisdiction of France for adjudication, by the vessels of war of the latter, and all questions incidental to it, belong exclusively to the judiciary establishments of the latter; that consequently, its vessels of war and their officers are not liable to process of our courts, upon that which attended the suit in the district court, appropriated the judicature of the circuit court, over which I preside, and the fact of the receiving a suggestion as would be to support it on a trial, and that, as such certificates would not be receivable in that case, so they ought not now to be received. But the court observed that much less was sufficient in one case than in the other. The incontestable to the two papers under whose authority their commission is in fact, and that, on the 8th May, 1796, Samuel B. Davis was a lieutenant of ships in the French navy, and commander of the corvette called the Cassius, having a lawful commission; that James Yard, of the city of Philadelphia, merchant, had
caused the said Davis and the said corvette to be arrested, to answer to his libel against them filed in the district court of the United States for the district of Pennsylvania, in which he alleged that, on the said 20th of May, the said Davis, with whom he had contracted, and as her commander, had captured, on the high seas, a schooner belonging to the said ship, called the Cassius, on the said 20th day of May, in the year aforesaid, being the time when the said libellant charged that the said schooner, William Lansid, was taken and detained, in manner by him alleged, and, also, at the time of her being arrested and attached by the marshal of the district aforesaid, at the suit of the said libellant, the property of, and belonging to, the French republic, a sovereign nation, in peace, amity, and alliance, with the said United States, and this is ready, and offers to verify: wherefore the said ship, the Cassius, being the property of, and belonging to, the French republic, cannot, by law, be rendered liable to civil process in the courts of the United States, at the suit of individually and the said United States being answerable to foreign nations for the due observance of treaties with them subsisting, and of the principles and usages of the laws of nations in respect to ships and other property belonging, and unduly seized, arrested, or attached, under color of legal process, within the territory of the said United States, and the peace and interests of the United States being deeply involved therein, the said attorney, acting in the behalf aforesaid, prays this honorable court, that the said ship the Cassius, may, by the sentence and decree of this honorable court, be released and discharged from the attachment and arrest aforesaid, and that the said libel, so far as the same relates to the said ship the Cassius, may be dismissed, with costs and such further damages as the court may adjudge. For their said wrongful arrest and attachment.

And the aforesaid Samuel B. Davis, by force of the process of this honorable court, in the said court being, and not acknowledging the jurisdiction thereof, in the instance now pending, exhibits to this honorable court, with all due respect, a certificate, under the hand of citizen Adt, minister plenipotentiary of the French republic, to the United States, dated the 37th Thermidor, to wit, the 28th of August, instant, certifying that the said corvette the Cassius is a vessel of war of the French republic, and that the said Samuel B. Davis is a commissioned officer in the navy of the said republic, also a commission or order of Etienne Laveaux, Governor of the island of St. Domingo, attested to be lawful and authentic, under the hand and seal of the said minister of the French republic, which said commission or order is dated the 31st Pluviose, to wit, on the 10th of February last, recorded in the registry of the French marine, at Port de Paix, the 9th Floreal, to wit, the 28th of April following, directed to him the said Samuel B. Davis, lieutenant in the navy of France, commander of the said corvette of the French republic, the Cassius, authorizing him to cruise, with the said corvette, for two months, at least, against the enemies of the French republic, and to take their ships and property on the high seas, together with true copies and translations of the said exhibits, which copies and translations, being duly compared with the originals now exhibited, he prays may be filed, and remain among the acts of court; whereupon, he prays, and respectfully moves this honorable court, that any thing in the libel of the said James Yard contained, notwithstanding, he, nevertheless, not concurring, in any wise acknowledging the same) the said corvette the Cassius and the said Samuel B. Davis may be discharged from arrest.

Joseph Fauchet, Minister Plenipotentiary of the French republic, to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 16th Prorail. (June 4, 1794, O. S.)

3d year of the French republic, one and indivisible.

Sir: I have already had the pleasure to inform you, verbally, of the interest which the committee of public safety of the National Convention has taken, in due season, in the truly unhappy situation of your commerce in the Mediterranean. I now fulfil the duty imposed on me by the Government, by calling to your recollection, in writing, these previous steps which are to be taken by our agent with the Decy of Algiers, for repressing this new manoeuvre of the British administration, which has put the finishing stroke to its proofs of malevolence towards free people. The despatch of the minister communicating this measure to me, is dated the 5th of January, and did not come to my hands till fifteen days ago; I do not yet know by what route; I could have wished it had been less tardy in coming to me, that I might sooner have fulfilled the agreeable task of proving to you, by facts, the protestations of friendship of which I have the honor to assure you, on the part of France.

The information which I shall receive from Europe, in a little time, will, doubtless, possess me of the success of those negotiations, which were to have been opened in January last. If the situation of your affairs is yet such with respect to that barbarous regency, as that our interventour may be of some utility, I pray you to invite the President in cause to be communicated to me the means that he will join to those of the committee of public safety, for the greatest success of the measures already taken. It is in virtue of the express request of the minister, that I solicit of the President some communication on this subject: I shall be satisfied to be able to transmit it by a very early conveyance, which I am now preparing for France. Accept my esteem.

J. H. FAUCHET.

Mr. Randolph, Secretary of State, to Mr. Fauchet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 6, 1794.

Six: The letter which you did me the honor of writing to me yesterday, has been laid before the President of the United States, who accepts, with pleasure, such a testimony of your attention, and whose sentiments, upon the great subject of your Revolution, can never be doubted.
FOREIGN RELATIONS. [1797.]

Your other letter, of the 4th of June, is a powerful demonstration of the interest which the republic of France takes in our welfare. I will frankly communicate to you our measures and expectations with regard to Algiers; but as you will so soon receive the detail of those measures which your Government have pursued in our behalf, and, after the rising of Congress, some new arrangements will probably be adopted by the Executive, it will be better, perhaps, to postpone our interview on this matter until the intelligence which you further expect shall arrive.

I have the honor, sir, to be, &c.

EDM. RANDOLPH.

No. 110.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 19th Messidor, (30th June, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir:

I herewith enclose to you a literal copy of the part of my instructions relative to a new commercial treaty, and a new consular convention, to be entered into between France and the United States. Honesty, justice, the interest of the two nations, and the most exact reciprocity, are the basis which the French republic adopts in her treaties of friendship. Be pleased to assure the President that I shall be too happy if I can contribute to tighten the bands which unite the French republic to the United States, and to assure the happiness of both.

Accept, &c.

P. A. ADET.

No. 111.

Extract from the instructions given to P. A. Adet, Minister Plenipotentiary of the French republic near the United States of America, by the committee of public safety of the National Convention, charged, by the law of the 7th Fructidor, 3d year, with the direction of foreign affairs.

"The minister shall prepare with the American Government the means and arrangement of a new consular convention, and of a new commercial treaty, and he shall communicate his negotiation on this subject to the committee of public safety. This negotiation shall be built upon the different decrees of the National Convention passed on this subject. The object of the new treaty shall be to found the commercial relations of the two republics upon some points more reciprocally advantageous, and more clearly worded than that of 1778, and the object of the consular convention to assure the full and complete execution of this treaty."

True extract from my original instructions.

The minister of the French republic near the United States of America.

PHILADELPHIA, the 19th Messidor, 3d year of the French republic.

P. A. ADET.

No. 112.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 1, 1795.

Sir:

I had the honor of receiving your letter of yesterday, covering an extract from your instructions relative to a new treaty of commerce, and a new consular convention. Even before we are fully informed of the extent of the different decrees of the National Convention upon which your propositions are to be founded, I do not hesitate to declare to you our readiness to open a negotiation with you upon these two subjects. It would seem from your instructions, that you have no power to conclude or sign any new compact. If I misjudge the nature of your authority, you will be pleased to correct me.

I must also beg the favor of you to communicate to me the dates of those decrees to which your instructions refer. Perhaps I may be possessed of the whole, or most of them. In that case, copies will be asked of none but those which are not in the office of this Department. Your answer to this letter will enable me to offer to your consideration some arrangements which may facilitate the discussions.

Permit me, however, to request, on this first opportunity of business, that when you give the dates of the French calendar, you will be so obliging as to add the dates of our own. Experience has shown that mistakes and delays have arisen in our office from the want of familiarity with the French calendar.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 113.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 19, 1795.

Sir:

It is with great reluctance that I trouble you so often upon the same subject. I cannot entertain a doubt that, but for your indisposition, you would before now have answered my letter on the new negotiation, as you were obliging enough to promise me in conversation several times. But the President intending to leave this city on Tuesday morning, and it being requisite, as I have had the honor of stating to you, that I should receive his instructions before his departure, I will thank you to enable me to present to him the subject of our negotiation as fully as your overtures will permit. If I discover some anxiety, I beg you to impel it to the hope that this business will result in our mutual honor, by proving that, while we each labor for the interest of our respective nations, we can promote the prosperity of both.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 114.

24th Messidor, 3d republican year, July 19, 1795, O. S.

P. A. Adet presents his compliments to Mr. Randolph, and sends him the letter which he should have addressed to him some days ago, if the fever he is afflicted with had permitted him to attend to business. Mr. Randolph will find with that letter a part of P. A. Adet's instructions relative to the articles of the treaty which the French Government has instructed him to stipulate positively; the other articles, founded on reciprocal advantages, are left to the course of the negotiation which is to establish them.

P. A. Adet will have the honor of seeing Mr. Randolph as soon as his health will permit.
No. 115.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Randolph, Secretary of State of the United States.

20th Messidor, 3d year of the French republic, one and indivisible.

(July 8, 1795, O. S.)

Sir: I have received the letter you did me the honor to write to me dated the 1st July. I have never doubted the attachment of the United States for the French republic, and the reply you made to my letter of the 30th June is a proof of it. You request of me, in that letter, some information, which I hasten to give you.

I neither know nor possess any other decree, relative to the new negotiation to be opened between France and the United States, than that of the 9th of February, 1793, communicated to you by citizen Genet; and, as it must be in the office of your Department, I conceive it will be useless for me to send it.

My instructions empower me to prepare the plans of a new consular convention, and of a new commercial treaty. After my Government and that of the United States shall have approved of the plans, the sending of full powers for the signature is but a formality which is easily fulfilled. This step appeared proper, to avoid a number of inconveniences at the time of the ratification of the treaty.

I will fulfill the desire expressed in the last paragraph of your letter, and shall take care to add, in all my despatches, the date of your calendar to that of the French.

Accept, sir, &c.

P. A. ADET.

No. 116.

Extract from the instructions given by the French Government to citizen Adet.

"The minister plenipotentiary shall stipulate positively, and without reserve, the reciprocal exemption from the tonnage duty so necessary to our mercantile marine. This exemption, implicitly assured in the parts of the United States by the 4th and 5th articles of our commercial treaty, has never been executed therein, and, since the organization of their new government, a very burthensome tonnage duty has been rigorously exacted on our merchant vessels; even in 1793, a severity and an injustice were used, which the American Government should not have suffered. But the respective naturalization of the French and American citizens, proposed by Mr. Jefferson, and desired by the French nation, will facilitate this stipulation of a reciprocal exemption from tonnage, and render it less offensive to the Powers, who, in virtue of treaties, might claim a participation in the same advantages; as the casus federalis would, by this stipulation be changed in this respect."

No. 117.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 13, 1795.

Sir: I understand, by the letter which I had the honor of receiving from you in the evening of yesterday, that "your instructions give you power only to prepare the draught of a new consular convention, and a new treaty of commerce." Notwithstanding the formality of this procedure, the President of the United States has directed me to meet you.

But I am prevented, sir, from proposing to you a time, place, and arrangement, for our conversations, by a fear of incommoding you in your present indisposition. Permit me, therefore, to expect that, as soon as your health will suffer you to attend to this subject, you will be so good as to inform me.

I have the honor to be, &c.

EDM. RANDOLPH.

No. 118.

Mr. Randolph, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 16, 1795.

Sir: After acknowledging your letter of the 14th instant,* which I had the honor of receiving yesterday, I take the liberty of proposing the following plan of procedure in the discussions now commencing between us.

As you are not clothed with any very formal authority upon this subject, the President of the United States has thought it proper to place me upon the same and no other footing. Hence we are both to be considered as committees, delivering our own sentiments to each other; and, after comparing them, reporting our opinions to our respective Governments; which, by these means, will remain mutually uncompromitted, until the system is modified so as to meet their approbation.

So various and weighty is the business which now presses upon my attention, that I could not rely upon my own memory, nor upon my own accuracy, were not the interchange of our thoughts to be made on paper. I beg leave, therefore, to suggest, that we conduct the discussion in this way, except when it shall appear to either of us more expedient to have an interview on some particular difficulty. Our letters shall constitute no part of a formal report to our Governments; and shall be liable to be recalled, or changed, as each party pleases; unless, on the close of the transaction, we shall agree to annex them to any draught which may be prepared.

Assuring you, sir, that no unnecessary procrastination shall be found in me, I submit to your consideration this arrangement: 1st. That you state the parts of the subsisting treaty which you wish to be abolished; 2d. Those parts which you wish to be corrected; and 3d. Any additions which seem to you desirable. These may be examined, either separately or conjointly, as shall be most agreeable to you, and, if you prefer stating one class at a time, I shall not object. Indeed, if any other arrangement shall strike you more favorably, I have too little predilection for my own to hesitate at the adoption of a better.

This transaction is so momentous that too much time cannot be well spent upon it; and it will facilitate my other duties, could I enter into it so early as to afford full opportunity for reflection.

I have the honor to be, &c.

EDM. RANDOLPH.

* This should have been 19th.
† This letter of the 14th has no relation to the proposed negotiation.
No. 119.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 3d Messidor, (20th June, 1795.)

3d year of the French republic, one and indivisible.

SIR:—On the 6th, I received the letter of that date, which you addressed to me in answer to the observations I made to you on the treaty concluded between the United States and Great Britain. I observed, had not my health, which has always been unstable since my arrival in this country, obliged me to abstain from business for upwards of fifteen days. I shall transmit it to the French Government, together with my observations and the treaty. In such important circumstances, it is exclusively the province of my Government to judge, and I cannot permit myself to decide at all, and still less to decide at all.

In a few days I shall have the honor of seeing you, and of taking the necessary measures, in order to commence the business relative to the digesting of the new treaty and new consular convention.

Accept, sir, &c. P. A. ADET.

No. 120.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 26th Messidor, (14th July, 1795, O. S.)

3d year of the French republic, one and indivisible.

SIR:—I have the honor to transmit to you an official decree of the committee of public safety of the 14th Nivose, in the 3d year of the French republic, which you have seen in the newspapers, and which you communicated to my predecessor, citizen Fauchet, in your letter of the 14th of last Nivose.

This decree revokes the 4th article of that of 26th Brumaire, in the same year, a copy of which I have also the honor to transmit to you.

You will see, sir, in both, the undisguised disposition and sincere desire of the French Government religiously to observe the engagements it has contracted with its allies, and its readiness to redress infractions which have never been taken place but from the impulsion of circumstances.

That of the 14th Nivose will convince you particularly of the purity of motives and respect for principles which animate the National Convention and its committees. It was not produced by representations from the neutral Governments in their subjects, but the result of a rigid examination of the extant or expired contracts with our allies.

By this article, the merchandises belonging to Powers at enmity with the French republic, laden on board of neutral vessels, are declared free.

It is amidst this triumphs that the republic loves to give this striking mark of her fidelity. Victorious France knows no other concern than that of justice—no other diplomatic language than that of truth.

As for myself, sir, who have the honor of representing her near your Government, I esteem myself happy in having the superintendent of the execution of these measures of justice; and if, contrary to my expectation, they should experience any violations by the vessels which come near your latitudes, you will see me anticipate your complaints by honestly probing them to the bottom, and redressing them with a zeal equal to that with which you might be animated yourself.

Accept, sir, &c. P. A. ADET.

No. 121.

Extract from the Register of the Decrees of the Committee of Public Safety of the National Convention, of the 14th Nivose, 3d year of the French republic one and indivisible.

The committee of public safety, considering that the 3d article of the treaty of commerce between France and the United States of America, of the 6th of February, 1778, stipulates formally—

1st. That the French and Americans may navigate in full security with their vessels, without any exception being made on account of the proprietors of the merchandises laden in those vessels, from whatever port they come, and although the Power for which they are destined, is, or may be, an enemy of the contracting nations; that they may, in like manner, navigate in full security with their vessels and merchandises, and frequent the places, ports, and harbors, of Powers, enemies of the two contracting nations, or of one of them, and carry on commerce not only from an enemy's to a neutral port, but from one neutral port to another:

2d. That free vessels shall make free goods; and every thing which shall be found on board of vessels belonging to the citizens of one of the contracting nations, shall be judged free, if even the lading should belong in whole, or in part, to the enemies of either; contraband articles being always excepted:

3d. That this same freedom shall be extended to the persons who may be on board of the free vessels, should they even be enemies of one of the two contracting nations; and that consequently those persons cannot be taken from on board of such vessels, unless they be military characters and actually in the service of the enemy: Consider ing that the crimes of England have given to the war of defense against liberty a character of injustice and atrocity unexampled in history, the National Convention found itself obliged, in using the right of reprisal, to decree, on the 9th of May, 1793, that vessels of war and French privateers should arrest, and conduct into the ports of the republic, the neutral vessels which should be found laden, in whole or in part, either with produce belonging to neutral nations, and destined for enemies' ports, or with merchandises the property of enemies; but that, soon after, on the 1st of July, 1793, the National Convention hastened to re-establish, in all their vigor, the dispositions above recited of the treaty, of the 6th of February, 1778; that in fact it has been revoked by that of the 27th of the same month, so far as relates to the produce and merchandises belonging to the enemy, nor has it been, since the 13th of this month, all the agents of the republic, all the commandants of the armed forces, and all officers, civil and military, to cause to be respected and observed, in every particular, the treaties uniting France to the neutral Powers of the ancient continent, and to the United States; that, by the same article, an infringement of those treaties is forbidden, and that all acts which may be contrary thereto are annulled:

Considering that since, and notwithstanding the affectation with which that cabinet continues daily to insult the rights of nations, and to violate the neutrality of non-belligerent Powers, in causing to be seized their vessels laden with merchandises destined for France, the National Convention enjoined, by the seventh article of the law of the 13th of this month, all the agents of the republic, all the commandants of the armed forces, and all officers, civil and military, to cause to be respected and observed, in every particular, the treaties uniting France to the neutral Powers of the ancient continent, and to the United States; that, by the same article, an infringement of those treaties is forbidden, and that all acts which may be contrary thereto are annulled.

Considering that it is of importance to make known to the world this grand act of honesty and justice, and speedily to do away every pretext which malevolence might employ, either for obstructing or retarding its effect, or perverting the same to the prejudice of the republic, it is decreed:

[1797.]
FRANCE.

1797.]

AR. 1. The colonial and marine commissioners shall notify, without delay, all the commandants of the naval armies, divisions, squadrons, fleets, or vessels, of the article of the law of the 15th of this month, cited above; and inform them, in a summary manner, of the provisions of the decree of the committee of public safety, of finances, and of commerce and supplies, of the 25th Brumaire last, (15th November) which authorized the seizure of merchandises belonging to enemy Powers, until they should have decreed the disposal of such merchandises laden on board of neutral vessels.

AR. 2. Merchandises, even of neutral nations, denominat ed contraband, or prohibited, shall continue to be liable to seizure.

AR. 3. The articles comprised under the name of prohibited or contraband merchandises, are arms, instruments, and warlike stores of whatsoever kind they may be, their harness, and all kinds of effects, produce, or merchandises, destined for an enemy's port, actually besieged, blockaded, or invested.

AR. 4. The commissioners for exterior relations shall transmit the present decree to the agents of the republic near theを通ued, or neutral Governments, with orders to communicate it to them.

AR. 5. The present decree shall be inserted in the bulletin of the laws.

CAMBACERES,
MERLIN, of Dowey,
CARNOT,
PRIEUR, of the Marne.  
* The Members of the Committee of Public Safety.

MARET,
A. DUMOUT.
G. CHAZAL,
PELET,
A. F. MIOT, the Commissioner of Foreign Affairs.

No. 122.

The following is a translation of the Fifth Article of the Decree of 25 Brumaire alluded to in the foregoing, November 15, 1794.

AR. 5. The following are excepted from the prohibition in the preceding article, [alluding to article 4.]

1st. Merchandises belonging to the French republic, until these Powers shall have declared free and not seizable French merchandises laden on board of neutral vessels.

2d. Also neutral merchandises, denominat ed contraband or prohibited, under the name of prohibited or contraband merchandises, are included arms, ammunition, and warlike instruments of every kind, provision or merchand ise, destined for an enemy's port, actually besieged, blockaded, or invested.

No. 193.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of the Department of War of the United States, charged with the Department of State.

PHILADELPHIA, the 7th Vendémiaire, (30th Sept. 1795, O. S.) 4th year of the French republic, one and indivisible.

SIR: The public papers announce, in every quarter, that the English, in contempt of the law of nations, arrest and seize American vessels laden with provisions for the ports of France. Although this事实 is not authentically vouch Executed to me, I cannot doubt it, since no one has ever contradicted any of the numerous assertions which had any relation to it. If the interests of my country were not deeply compromitted by the measures which the English Government has taken with regard to your commerce, I should have remained silent. I know that it is not for me to judge of circumstances in which the glory of the United States, the honor of their flag, the liberty of their commerce, may be outraged. I know, therefore, that it is the province of their Government alone to decide and to act, and that that Government would justly have reason to be hurt at the representations of a foreign minister, from his information and the nature of things, on an object which interested the American nation, or its Government alone; but, sir, if at the present moment the interests of the United States are in question, those of France are also, and I should retract my duty if I were for a moment to forget them.

It is not the first time that the English have given to the world the scandalous spectacle of their contempt for the rights of nations. It is not the first time that the belligerent Governments had occasion to complain, and has been apprehensive of seeing their neutrality compromitted. So long ago as 1793, the cabinet of St. James ordered the arrestation and seizure of American vessels laden for the ports of France. This conduct, which violated every principle, and which injured the interests of the republic, obliged the convention to imitate it; but its views were very different from those of the British Government, as, by that means, she sought to support, though indirectly, the rights of neutral nations; she ought to be entirely justified by the 5th article of the decree, declaring, that it shall cease to have effect when the combined Powers shall have acknowledged, agreeably to the law of nations, provisions, found on board neutral vessels, as not liable to seizure. Although the censured Powers are far from admitting these principles, sacred to every honest Government, the National Convention has not thought proper longer to follow their example, and the committee of public safety has exhibited in its arrest of the fourteenth last Nivose, its love for justice, and the sentiments of France for the United States.

You know, sir, as well as I do, that the war which exists between two Powers, cannot alter, in any manner, the rights of the United States, who wish to remain at peace; and that their relations with those belligerent Powers are the same as before the declaration of war. These conditions constitute the state of neutrality. As soon as the relations change—when one of the belligerent Powers is more favored than another by the State which has not taken part in the war, the nationality of that State ceases to exist. It, therefore, is one of the belligerent States seeks to obtain from the neutral nation an advantage not enjoyed by its enemy, the neutral State should, if she wish to remain at peace, oppose its pretensions by all the means in her power, or she should, in order to keep the balance in equilib rium between both enemies, allow them to participate in the same advantages, if her interests permit: otherwise that nation would discover a partiality which cannot accord with the state of neutrality. These are evident truths, and are generally received.

Besides, in every war, neutral nations have armed in defense of their neutrality; and we accordingly see, at the present moment, the Directory sending detachments for the purpose of protecting their commerce and supporting their neutrality; likewise did the United States in 1793, strongly complain against the arrestation of their vessels by the ships of war of the English. Permit me, sir, to cite here, in support of this assertion, the following lines from a letter of Mr. Jefferson to Mr. Pinckney, dated 7th December, 1793. "This act, too, tends directly to draw us from the state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it, would be a partiality which might lead to war with France, and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this a mere pretext, of which she would not be the dupe, and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged, by this unauthorized act of Great Britain, into a war, with which we..."
muddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it. In the case, where we found ourselves obliged, by treaty, to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her, supplies of provisions, we should, in like manner, be bound to withhold them from her enemies also, and thus shut to ourselves all the ports of Europe, where corn is in demand, or make ourselves parties in the war. This is a dilemma, which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instrument of it.

This quotation I conceive is the development of the principles which I have laid down; and when it contains the sentiments and opinion of the American Government itself, it would be unnecessary to enter into an ulterior discussion.

It cannot now, therefore, be doubted by any man, who will discard prejudices, love, hatred, and, in a word, all the passions which lead the judgment astray, that the French republic have a right to complain, if the American Government suffer the English to interrupt the commercial relations which exist between her and the United States: if, by a perfidious condensation, it permitted the English to violate a right which it ought to defend for its honor and its interest; if, under the cloak of neutrality, it presented to England a pernicious to cut the throat of its faithful ally; if, in fine, participating in the tyrannic and homicidal rage of Great Britain, it concurred to plunge the French people into the horrors of famine.

But I am convinced this will not be the case. The American Government is too much attached to the laws of an exact neutrality it knows too well that the cause of freemen is interwoven with that of France, to allow the English to usurp a right injurious to the interests of the republic.

It is under this conviction that I have written to you this letter, persuaded that it is perhaps superfluous to address to you these representations. I do not doubt but that the American Government will prove to all Europe its intention of maintaining the most exact neutrality with regard to the belligerent Powers; that it will compel England no longer to violate the rights of nations; and that it will henceforward relieve France from the unpleasantness of addressing new complaints on this subject.

Accept, sir, &c.

P. A. ADET.

No. 124.

The Minister Plenipotentiary of the republic of France near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 9th Germinal, (March 29, 1796, O. S.)

4th year of the republic, one and indivisible.

Sir: On the 7th Vendemiaire last, I had the honor of writing to you, relative to the arrest of American vessels laden with provisions for France. I flattered myself with receiving from you an answer which might prove to my Government that the United States, faithful to the neutrality which they have imposed on themselves, neglect no means of repressing every infringement made on it by any of the belligerent parties to the detriment of its enemy.

Near six months ago, I sent a copy of my representation to my Government, and at the expiration of that term I was under the necessity of informing it that I still expected a solution of this important object.

Now, sir, I complain upon a point infinitely more essential, and which does not to me appear susceptible of delay: I mean the impressments exercised by the English on board of American vessels.

For some time, each successive vessel arriving from the colonies brings, in this respect, more frightful accounts than the former, and I have just received from the vice consul at Alexandria, a letter of the 4th Germinal, relative to the impressment used by the English ship Swift, and the frigate Success, upon the crew of the brig Fair Columbian, from Alexandria, freighted, on account of the English, by Messrs. Patterson and Taylor.

It is not then sufficient for the English to purchase a number of vessels, which they load with all sorts of provisions; to navigate their vessels under your flag; to carry horses for remounting the cavalry; to enrol grooms for this military service; but they must also take by force the American crews, in order to make them serve on board their vessels of war, to the ruin of our colonies.

You must be sensible, sir, that simple and ordinary measures are insufficient in such circumstances. We have neither the right nor desire of interfering in your interior administration, but, when hostilities are in question, France may request an account of the measures you have taken for putting a stop to them, and repairing the damage they already have caused, or may hereafter do.

Permit me, sir, to repeat to you, they should be prompt and efficacious. Would representations to the court of London, which, in the course of six months, perhaps, might put a stop to these odious attacks, if, at the end of that time they are no longer necessary, be sufficient in the existing circumstances?

The English division in the colonies is entirely recruited by mariners taken from on board your vessels. It is by their means that they block up the republican ports; it is to their succor we ought to attribute the loss of these immense possessions, if the American Government should not take the step which the duty of neutrality dictates to it.

Accept, sir, the assurance of my respect.

P. A. ADET.

No. 125.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 19th Germinal, (8th April, 1796, O. S.)

4th year of the French republic, one and indivisible.

Sir: I have the honor to send you, herein enclosed, the letter which you requested, on the 7th of April, in favor of Mr. Henry Alexander, detained at Petit Goave.

I have still reason to hope that the former, which I wrote to General Rigaud, on the 6th Pluviose last, will have the effect desired by the family of the young men whose liberation you claim.

Accept, sir, the assurance of my respect.

P. A. ADET.

P. S. Permit me to remind you of my letters of the 21st and 29th Ventose, and 9th Germinal, to which I expect your answer.

P. A. A.

No. 126.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 1st Floréal, (April 31, 1796, O. S.)

4th year of the French republic, one and indivisible.

Sir: I had the honor of writing to you on the 9th of last month, relative to the impress exercised on board your vessels by the English.
The Minister Plenipotentiary of the French republic near the United States, to Mr. Pickering, Secretary of State of the United States.

Philadelphia, 22 Nineteen, (10th Jan., 1796, O. S.)

4th year of the French republic, one and indivisible.

Sir: Letters from the French consuls at Baltimore, Norfolk, and Alexandria, announce to me that the English have purchased a great quantity of flour in Maryland and Virginia, and that they have laden it on board American vessels, which they have likewise purchased. This flour is destined to support the English army directed against the French colonies. It is not without the most severe chargen that I have observed the enemies of my country drawing from yours means of subsistence, without which they must have renounced every species of attempt, and that I have found myself incapable of preventing them. Indeed, who could arrest the exportation of this flour, if not the Government of the United States? And, if I had solicited it of them, could I have calculated upon their considering it a favor, when they would have required that censure and rather as a favor than as a duty rising out of their neutrality? But, sir, there is another circumstance, upon which the letters from the consuls leave me no doubt, and to which the laws which the American Government have prescribed to itself for its neutrality, oblige it to pay attention. These vessels, which have purchased, are commanded, and the crew is American men. If your fellow-citizens are prohibited from serving in the cause of France, neither should they be permitted to range themselves under the British flag; otherwise the neutrality would only be a vain term, and a certain mean of assailing secretly, and without running any risk, a power which no one would dare to aid openly.

There is also another object, sir, upon which I should fix your attention. The consul at Norfolk informs me, that the English have caused to be purchased a great number of horses, in Virginia, and that even stables are established, near Norfolk, for receiving them. These horses are destined for the English cavalry, to be debarked at St. Domingo, to attempt the conquest, and to endeavor to bring about the ruin of that place. If France be interested in frustrating these projects, should not the United States also, perhaps, under certain relations, prevent the execution of them? Besides, their neutrality imposes on them the obligation of arresting the exportation of horses, which constitute the principal force of the English army. The horses are contraband of war; you are sensible of this, sir, and no contraband of war can be furnished to a Power at war, without the other Power having the right of opposing it in any manner whatever. [So says Vattel, vol. 2, book 3, chapter 7, § 115, Amsterdam edition, 1775.]

"The nation which makes war, has the greatest interest in depriving its enemy of every foreign assistance, and, therefore, has a right to regard, if not absolutely as enemies, at least as people who care very little about injuring them, those who carry to their enemy the thing which they require for war; they punish them by confiscating, their merchandise. If the sovereign of the latter should undertake to protect them, it would seem as though he himself wished to furnish this kind of succor; a step contrary to neutrality."

It is therefore evident, sir, from this passage, that no neutral Government can protect contraband of war. But would not the commercial management protect it? It shall not permit to be exported from its territory, horses destined for the English army? Indeed, sir, if, after being informed of the designs of the English, it could stop the exportation of the horses, which have purchased, and did not do it, it is evident that the omission would constitute a proof of its consent and approbation. And what difference is there in this case between tolerating contraband and protecting it?

It is useless, sir, to spin out this letter any further. I think that the facts are so self evident that I now flatter myself with receiving a proof of that friendship of which the United States have so often given assurances to the republic.

Accept, sir, the assurances of my esteem.

P. A. ADET.

No. 128.

Mr. Pickering, Secretary of State, to Mr. Addt, Minister Plenipotentiary of the French republic.

Department of State, January 29, 1796.

Sir: On the 15th I received your letter of the 12th instant, and laid the same before the President of the United States.

The principle of an impartial neutrality, and the established practice, agreeably to the laws of nations, furnish answers to the subjects you have been pleased to bring into view.

You admit that, with respect to the flour which the "English have purchased in Maryland and Virginia," it would be an act of "courtesy" in the American Government to forbid its exportation. But such courtesy, you must be sensible, would violate our duty as a neutral Power, and, of course, it cannot be rendered, the purchase and exportation of flour to the dominions of the French republic having been, during the whole of the present war, perfectly free.

You also represent that the English are purchasing horses in Virginia, "and horses are contraband of war." That horses are contraband will not be questioned; but your position, "that what is thus contraband cannot be furnished to one of the Powers at war, without giving the other the right of opposing it in any manner whatever," cannot be admitted. If the subjects of a neutral Power export contraband goods, the passage you have cited from Vattel shows what kind of opposition may be given to it: the neutral exporters may be "punished by the confiscation of their merchandise," if taken at sea, by the belligerent Power against whom it is destined to be used. But the same chapter in that book informs us, that all the Powers at war have a right to resort to a neutral country "to purchase provisions, horses, and in short every thing of which they stand in need." Horses have always been a considerable article in the commerce of this country; and in the same book we find the following passage: "If a nation trades in arms, timber, ships, military stores, &c. I cannot take it amiss that it sells such things to my enemy, provided that it does not refuse to sell them to me also." The justness of this doctrine is indisputable, and has, moreover, been explicitly assented to by one of your predecessors.

Mr. Hammond, the late British minister in the United States, had represented "that arms and military accouterments were buying up by a French agent in this country, with an intent to export them to France." To this it was answered, on the part of the United States, "that our citizens have always been free to make, vend, and export
arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, has not required from them such an internal derangement in their occupa-
tions. It is satisfied with the external penalty pronounced in the President’s proclamation, that of confiscation of
such portion of these arms as shall fall into the hands of the belligerent Powers on their way to the ports of their
enemies, where they are to be used. The same clause of that letter, as we have seen, was delivered by Mr. Ternant to
Mr. Genet, whose answer to Mr. Jefferson, on the 27th of the same month, contains this expression: “I have no knowledge of the purchase of the arms in question, and, at all events, the reply
you have made to Mr. Hammond would convince him of the nullity of his observations.”
But it may be thought that some part of this answer has occasioned the delay in answering your letter. You inform that the flour, purchased by the English in Maryland and Virginia, is laden on
board American vessels which they have purchased, and that these vessels are manned by American masters and
sailors; and observe, “that if our citizens are forbidden to serve the cause of France, they ought not to range them-
selfs, or to allow their vessels, in the service of this Republic. This observation of Mr. Ternant has not been unheeded; and, I am assured, the minister will allow me to proceed further in stating our rights and duties in relation to the belligerent Powers; from which I
trust it will appear that the interference of the American Government in any of the cases mentioned in your letter
was more than unwarrantable.

So far as selling and carrying supplies of provisions and goods of all kinds to France and her dominions can be
viewed as serving its cause, our citizens have been, and continue free to sell and transport them. They have never
been forbidden to do this. They have merely been admonished, by the proclamation of the President, that if any of
these goods should be of the kind deemed contraband, and, as such, should be seized and confiscated, we would
not receive the protection of the United States. But this rule is not confined to France. It is to be observed
towards all the belligerent Powers; because towards all the American Government determined to observe an exact
neutrality.

In the same proclamation, the citizens of the United States were cautioned against committing, aiding, or bet-
ting hostilities against any of the Powers at war; and informed that if any of them, by doing those things, rendered
themselves liable to punishment under the laws of nations, the United States would not protect them. Since that
time, the Legislature of the United States has enacted a law which forbids any citizen or subjects of the United
States, respecting, and exercising, within their jurisdictions, “a commission to serve a foreign prince or state in war,
by land or sea,” or to “enlist, or enter himself in the service of any foreign prince or state as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque, or privateer,” under the penalty of fine and imprisonment.

The same law of the United States, relative to the belligerent

Powers. And herein it was, doubtless, the intention of the Legislature to conform to the rules of the law of
nations; imposing adequate penalties for the violations of those rules, but prescribing no new restraints.

Hence I conclude that it is not unlawful for the citizens of the United States to sell or hire their unarmed ves-
sels to any of the Powers at war, and that these vessels may so far as they carry or convey contraband of
war.

From the laws of nations, and of the United States, permit me to pass to the subsisting treaty of amity and com-
merce between France and the United States: it will, if I mistake not, throw much light on the questions you have
raised, and if there remain any doubts, the treaty will guide them.

By the 23d article of the treaty the two Powers agreed that it should be lawful for the people of both countries “to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who were then, or thereafter shall be, at enmity with either.” It was also stipulated that free goods should be carried to foreign countries, and that every thing should be deemed free which should be found on board the ships belonging to either of the contracting parties, although the whole of the ships, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty should be extended to persons who should be found on board the ships when, although they could be enemies to either party, they are not be taken out of the ship, unless they are soldiers, and in the actual service of the enemy.

The 12th and 13th articles of the treaty particularly contemplate the case that the vessels of each of the con-
tacting parties will take on board contraband goods to transport to the enemies of the other, and regulate the pro-
ceedings thereon. The contraband goods, if discovered, may be taken and confiscated, “but the ship itself, as well
as any other goods found therein, are to be esteemed free.” And we have seen above, that the 23d article makes provision for the case where the vessels of either party should be employed in transporting the enemies of the other, and remain under arms, unless they are soldiers in the actual service of the enemy. But it is plain that the vessels themselves are to remain free.

With respect to any service rendered to the people of the two contracting parties, if we recur to the 21st article of the treaty, we find there it is imposed on the detractor but there “that they shall apply for, or take, any commission or letters of marque for arming any ship or ships to act as privateers to the order of the other.”

Practice has corresponded with these rules. Independent of the very numerous exports in single vessels, from
this country, of every article it could furnish, useful to France and its dominions, two fleets, of which American
vessels formed a part, sailed from the United States for France, under convoy of French men-of-war; the English
vessels thus ranging themselves (if you please) under the flag of France. And can we now, as an impartial neutral
nation, deny the same to the British? But will it be said that our sailors manned only our own vessels? Without
supposing that none of them served on board unarm’d French vessels, permit me to ask, what is the difference
between the citizens of a neutral nation hiring their unarmed vessels, with their crews, to transport provisions and
stores for one of the Powers at war, and selling, and then manning the same vessels, for the same service? I do not
discover any; and until a distinction can be manifested, I shall conclude that, whatever consequences may result
from the measures which are the subject of your letter, these measures the Government of the United States have
no right to restrain.

With great respect, I am, sir, &c.

TIMOTHY PICKERING.

No. 129.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the

United States.

PHILADELPHIA, 21st Feastos, the 13th March, 1796. (O. S.)

4th year of the French republic, one and indivisible.

Sir:

I have this day received the answer you were pleased to make to the letter of the 22d Nivose last. I have till now deferred prescribing additional claims. 

It is not the custom of those I have the honor to address you to, because, from the arrest of the signs, by order of the Governor of Virginia, I conceived that a new examination of the question had been called for a course entirely opposite to your first resolutions; but since it is otherwise, that the Ameri-
can vessels have taken free passage to the French port of St. Malo, in the belligerent of the English, and the English have laden with horses, we are entitled to the purchase of horses which they have made in those States; since the yare also disposed to export these horses in vessels purchased in our ports, and navigated by American captains and sailors, you will permit me, sir, to renew my allegations with the Government of the United States, to induce it to take those measures which, in these circumstances, its duty and neutrality dictate. You must recollect, that, in my letter of the 22d Nivose, I called your attention to two ques-
tions. 1. Should the Government of the United States, in conformity with its neutrality, prevent the exportation

of...
of an article contraband of war, purchased by the enemies of France? 2 Can that Government, without compromising its neutrality, permit its citizens to carry out of the territory of which it is the owner any vessels of that character, and, in going to another country, to carry with them, by way of evidence of title, to you some of the reasons which led me to believe that these questions, according to the law of neutrality, should be determined in favor of the republic. I flattered myself that your knowledge, and the attachment of the Government of the United States to our cause, would supply any deficiency occasioned by the summary and any argument that it appears to me that I did not explain myself in a manner sufficiently precise in order to realize my expectation.

Therefore, I shall enter into a new discussion of the questions which I presented to you in answering the different passages of your letter.

When you say that the United States should oppose the exportation of horses purchased by the English, I cited the paragraph 113, chap. 7, of Vattel, I was aware of the paragraph 110, which precedes it, and which permits that I oppose to you my paragraph 113, which relates to the exportation of war contraband. Therefore, destroy the reasoning which is subjoined to it. If it were otherwise, if Vattel should be found to contradict himself, in as clear a manner as might be supposed from your observations, we should not, in future, bring this author to our support. But, besides, the matter in question at present does not relate to citizens or subjects of a belligerent State, but to English horses purchased by the English for the purpose of carrying on the war; but to explain this fundamental article of the law of contraband to citizens, several agents of the Government in neutrality, who, coming here, as to one of their provinces, purchase horses and collect them in stables prepared by themselves, put them on board of vessels purchased in this country, and export them with as much security as if they were drawing them from their territory. If you and me should be accused by the citizens of the republic of carrying on the war, "Your Government is to punish them if it can, by confiscating their vessels," I should ask, sir, against whom should my Government act if it cannot seize this contraband which is carried on under the eye of the Government of the United States? For it would be a cruel error, says Galliani, to think that a belligerent Power has no right to refuse to a neutral Power an armed vessel which is carrying on the war, and that this vessel is to be seized by the neutral Power and sold to the envoys of the belligerent Power, and placed on the board of the republic?

In support of the conduct of the Government of the United States, you cite this paragraph from Vattel: "If a nation carries on commerce in arms, timber, ships, and ammunition, I cannot be offended at her selling these things to the enemy, provided she does not refuse to sell them to me also. But, sir, can it be inferred that a neutral Power, which has carried on commerce with the enemy, in the realm of neutral nations, should be opined to be a contraband of war? Can it be supposed that such a step would be contrary to the laws of neutrality? No, sir; for if a nation confines itself within the limits of neutrality, by granting the same advantages to the belligerent parties, it may be considered as exercising therefore the rights of a neutral Power. If I have the honor of citing to you, I will support this opinion.† "When a belligerent nation wishes a neutral and friendly people not to carry contraband of war to its enemy, she should formally, and in a very explicit manner, notify the neutral Government of its intentions; should she not do it, the neutral nation has a right to regard her silence as an assent to the continuation of her ordinary and commercial regulations."

† When a belligerent State makes such a declaration, it of course follows that it renounces the right to ask of a neutral people contraband merchandise, the exportation of which it desires to be prohibited to the enemy; and, consequently, it submits its country to an impartial observance of the refusal of prohibition. This would be unjust to exact a deviation from principles in its favor, and by committing this fault, the neutral Government would soon or late hazard a departure from its position.

But, sir, when I requested that the English might not be allowed to export horses from this country, I tacitly obliged myself, in the name of the republic, not to cause any exportation of a similar nature. I do not conceive that you could ever reproach me of having wished to lead you from the limits of neutrality in our favor; having requested that neutrality might be equally observed towards our enemies and us. Hence, sir, you should be far from suspecting that I wished to profit of an advantage which I desired to see refused to the enemies of my country; and the government of the United States should, I conceive, admit my claim, on demanding an explicit declaration from me of the restriction which you justly imagined I had tacitly imposed on myself. For "the declaration being made (says Galliani) to the neutral State, desiring that it should grant no contraband of war, the latter is to submit its country to an impartial observance of the refusal of prohibition. This would cause an extreme and insuperable injury to her, because every thing serving immediately to the destruction of humanity, should be refused rather than granted, in all cases where a just and wise Government has the choice. "Such a demand commoves more with a real impartiality, with sincere friendship, and with the desire of carrying on a commerce, than with the safety of its country."

I had every reason to hope that, penetrated with these principles, the Government of the United States did not expect, in requesting that the English might not be permitted to export horses, I should declare, in the name of the republic, that she imposed on herself the condition not to export them; but, since it is required, I make that declaration, sir, and now, like the French, I am coming to the principles I have developed to you, it will be followed with the effect I expect from it. I do not conceive, sir, that you should avail yourself of the exceptions contained in the passage of Galliani, which I have cited, to answer my demand in the negative; for horses do not constitute the principal branch of the commerce of the United States. Your exports in 1798 states the number of horses to have been 75,551, which, at a mean price of $40, amount to about 391,220 livres tournois; but what is this sum in comparison to 115,500,000 tournois, the whole amount of your exports? Besides, by preserving your horses in the country, and keeping them at a moderate price, by not exporting them, would you not promote agriculture and the interest of your country; would you not accord with the rules of policy?

But, supposing that the exportation of the horses constitutes a principal branch of your commerce, could this fact be made use of to authorize the exportation of that species of contraband of war? Could it be said that the Government of the United States is an ally of the neutrals, of which the conduct which Denmark, Sweden, the city of Hamburg, and particularly the Swiss, have held, in the present case, entirely opposed to that assertion. It would be too tedious to offer you all the examples I could cite; I shall content myself with speaking of the Swiss, of whose commerce the exportation of horses forms a principal branch.

Nor, you know, sir, that neither the wisdom of the Swiss, their knowledge, their ancient experiences, their exact observance of treaties, nor their respect for the law of nations, can be doubted; you know that their country is situated between France and the territory of her enemies, and that it consequently offers great resources to the belligerents of the various articles of contraband of war, each Power has every advantage to procure, from the advantages of this situation; but as soon as one of the Powers is forced to draw war on the Swiss, the Helvetic Republic is forced to restrain her contraband of war, and the others presented complaints on the subject, the Swiss immediately stopped the exportation. They have, moreover, prohibited the exportation of all contraband of war, even that of horses, which constitute their principal branch of commerce, and the consequences of this consistent principle, have enabled them to disengage their country and friends to peace, to restrain their commerce, by refusing to their neighbors all contraband of war, than to extend their commercial relations, by furnishing each with the means of continuing the war.

I have no idea that the conduct of one Government does not always serve as a rule to another: I know that I have no means to enforce your Government to follow the example of the Swiss; I cite to it but I shall not make known to it that the principles which I have laid down are not foreign to a free and enlightened policy.

See the quotation at the conclusion of this letter.

† Vide book 1, ch. 9, § 5, Galliani's Recht der neutralist, übersetzet von Casar. Leipzig, 1790.

† Vide book 1, ch. 9, § 3, of the works already cited.
FOREIGN RELATIONS.

[1797]

Besides, sir, were all people to prefer their commercial interests to the principles of neutrality, which I have developed, should that be a reason for the United States to imitate them, when France and her enemies are in question? What would you think of their Governor General pretending to give his subjects permission to keep the French neutral flag? When the English seized your neutral vessels, it caused them to be seized in like manner; but as I mentioned to you in my letter of the 1st of September, 1795, which remains unanswered, it was not from the same motive. No, sir, it was not from any desire to support the French, or to give them encouragement, however, did she long follow the same course? Did she not revoke the orders which had been given? Are not the decrees of the 25th Brumaire and 15th Frimaire, in the 3d year, which I sent you with my letter of the 26th Messidor, evident proofs of it? When, in the course of last summer, Great Britain again caused your vessels to be arrested, to prevent their carrying grain to France, did they not at once do it in the same manner? Has she not already revoked her orders for the same purpose, even to the injury of her own interests? But if the amicable relations of two people are reciprocal, why, at this time, should you refuse to acknowledge the fidelity of France, by an act equally faithful? especially when that act would not compromise your interests, and would be conformable to the laws of neutrality, and, in certain respects, to the object of treaties. It is a very different conduct of governments as with that of individuals—it is not by words but by actions that friendship and attachment are proved.

You will, perhaps, object to this, sir, that you would promote the anger of Great Britain against the American Government, and thereby lose the protection in the event of the war but this is, I am afraid, rather to promote the anger of France? and would you not better fulfill the object that all neutral nations should propose to themselves, that of maintaining a good understanding with the belligerent parties, by at once refusing to France and England the right of withdrawing from you an article contraband of war, which the latter Power cannot expect without the receipt of a real bounty? Besides, why should England complain? A general measure operating upon all, injures no one in particular.

If I have proved to you, sir, as I cannot doubt, from all I have said, that it comports with the laws of neutrality, with your relations as to the belligerent Powers, to stop the exportation of the horses which the English draw from you, the request I have made in this respect was founded; and I conclude upon the first question that the Government of the United States should, agreeable to the laws of neutrality, arrest the exportation of an article contraband of war purchased by the enemies of France.

Has the President not made one of the questions which form the subject of this letter, I pass to the second.

It is conceived in these terms. Can the Government of the United States, without compromising its neutrality, permit its citizens to serve on board vessels belonging to the enemies of France?

This question relates to the manoeuvres practiced by the English in Virginia, and which they are still carrying on in the bays of this continent. The American citizens, with whom they are now at war, are the English seamen and sailors.

It is to this conduct of the English that this phrase of my letter of 22 Nivolet refers. "If your citizens are not to serve the cause of France, they should not range themselves under the flag of Great Britain." I conceived it had a meaning sufficiently precise; it is now the first, and in the present case, the only right in the power of your citizens, with regard to France and England; that is to say, that they should not serve in the military operations of the two nations. But I have still had the misfortune of being deceived on this head, and I shall enter into new explanations on the subject.

You must not suppose that, of all the states in the union, and to those of the United States, your citizens cannot enrol themselves in the service of any foreign Prince or State; that is to say, that your citizens cannot aid in any manner the military operations of any foreign Prince or Power; but can the military operations of a foreign Prince or Power be aided only in the above mentioned characters? You think so, sir; I venture to hope that you will not permit your own citizens to serve in your armies to the injury of your country. It is the same rule to prove that from one place to another, without serving in the war? Do not the transports filled with troops and ammunition, sailing with and debarking under the protection of a fleet, form a part of that fleet? Are they not necessary means to the success of the projected operation? And are the captains and sailors of the ships? And because they are not on board of ships of war, it may be said they are not in the service of the belligerent Powers; that they do not aid its operations. No, sir, such an assertion can never be fairly advanced; it would be to torture words, and to fall into, particular distinctions, which should never be met with in free and faithful discussions.

I think, sir, that these principles being admitted, you will readily conceive that, if the laws of the United States and our treaties are silent on the circumstance just cited; that, if it has not been foreseen and explicitly declared contrary to neutrality, it is not the less so in itself, and should be prevented by every nation who wishes to preserve her neutrality.

But, sir, are not the American vessels purchased by the English become, by the very act of sale, English property? Although you found no difference

More than that of a neutral nation hiring their unarmed vessels, with their crews, to transport provisions and stores for one of the Powers at war, and selling, and then manning the same vessels for the same service,"

Still, however, there will exist between the two cases the following distinction: In the first, your fellow-citizens man American vessels; in doing this, they use the right appurtenant to them, and are the owners of the vessels, on the one hand, to be navigated by them under the American flag, and by American captains and sailors, and which have no right to your protection, since they are enemy's property. For you know, sir, that, in order to acknowledge an armament as belonging to a nation, the vessel and two-thirds of the crew must belong to that nation. If your citizens have been admitted, are not those vessels destined to transport the horses, ammunition, and troops, designed for the conquest and devastation of our colonies? That therefore the American captains and sailors on board of them will serve in the expedition? And after what I have said, can you allow this without injuring your neutrality? Can you, without injuring us, furnish to our enemies an arm to aid them in their conquests? You are not uninformed that the English military marine is furnished by that of commerce, but if a foreign nation furnishes that marine with auxiliaries for its service, it is clear that she so much augments the force of the military marine; and also when transports and other unarmed vessels are placed among those of commerce, and serving in a military operation, it is certain that the nation furnishing these vessels with seamen, will have the same right in the use of them, as the English have had in this case. What is the true character of these seamen in the British service? Do they not aid in the operations of war? Do they not serve the maritime purposes of the belligerent nation? Do they not injure your neutrality? and is not this the case now that your citizens are serving on board of English vessels?

What I have said is, I conceive, sufficient to prove that the United States should not permit their citizens to man any English vessels whatever; but it is necessary that I should answer some of the observations you have advanced in support of a contrary opinion.

I need not make any remark on the distinction you admit between an armed and an unarmed vessel. It is, I conceive, destroyed by the reasoning presented to you; but I should call your attention to the identity you wish to establish between these two species of vessels. It is a case which presents this point to us with great clearness; my countrymen have been taken, the Americans, having ranged themselves under the French flag, could not be prevented from putting themselves under that of Great Britain. But, sir, how do you find an analogy in two cases which are dissimilar? Be pleased to recollect that the vessels which sailed from your ports and under your flag, to carry cargoes of ships of war were not America's; and that, however, the American seamen did not wear French uniform, they might not be considered as French vessels; and that, if any English captains and seamen from serving on board of English vessels, you then suppose, sir, that your seamen have served on board of ours. But you are not ignorant that the pay of American sailors is higher than that of our marines; when a man labors for a livelihood, he will not quit a station in which he finds much profit for one less lucrative. Seamen, therefore, have not been in the habit of quitting one port for another, unless they have been used to obtain them; never have seamen been impressed in France; never have our officers at sea exercised this atrocious act with regard
to neutral nations. By your supposition, therefore, one might be supported in tolerating an infraction of the neutrality of the United States.

I conceive, sir, that having proved to you that American vessels purchased by the English, being English property, you have, as a subordinate, served on board of them, I may conclude that the United States cannot, without compromising their neutrality, permit their citizens to serve the enemies of France.

I shall not make any reflection upon the last sentence of your answer. "I shall conclude that whatever consequences may be the measure of your letters, these measures the Government of the United States have no right to restrain."

It is the province of my Government, to which I shall send your letter, to explain and to draw the consequences resulting from it.

Accept, sir, the assurance of my esteem.

P. A. ADIT.

No. 130.

The Secretary of State to the Minister Plenipotentiary of France.

DEPARTMENT OF STATE, May 25, 1796.

SIR:

I intended long since to have returned an answer to your letter of the 11th of March, in which you renew your objections to the purchase and exportation of horses by the British from the United States. It was some time before it was in my power to consider your remarks, and examine the authority of Galliani, which you quoted; but that perusal and examination convinced me that the line of conduct which the Government of the United States had prescribed to itself was that which it ought still to pursue. I considered the right of the citizens of the United States to sell and export contraband goods to any of the belligerent Powers as uncontrovertedly established by the principles of the war. In the tract on this subject which I now contain a demonstration of this right, you have passed over in silence, and recourse to the authorities of Vattel and Galliani, especially of the latter, on the rights and duties of neutral powers. These authorities, however, appear to me as little to support your claims on the subject of the American Government; and I forbear to quote (as the same author says elsewhere) "we ought to consider the whole discourse together, in order perfectly to conceive the sense of it." (L. 5, ch. 17, § 355.) In both the sections cited, (110 and 113) the rights of neutrals to trade in articles contraband of war is clearly established: In the first, by selling to the warring Powers, who come to the neutrality of the United States, to buy them, by the neutral subjects or citizens carrying to the countries of the Powers at war, and there selling them.

The same just rule of interpretation applied to the discourse of Galliani on this subject, will exhibit a result not less just, and fit, if I say, to the true principles of the American Government.

Your first quotation from that author is a marginal note, importing that, if a belligerent Power cannot seize contraband articles sold to an enemy, it may, nevertheless, object against it, compel it as an injury, and demand and do itself that justice which an injured sovereign has a right to exact.

To this I will submit a passage from the 4th section of the same chapter and book which you have cited: "I repeat it, then, once for all, that neutral nations must observe the most conscientious sincerity, as well in refraining from the sale of contraband of war as from all exportation of it, except only in the cases I have above spoken of."

A recurrence to these exceptions, and to the other observations of this writer, will show that his doctrine does not reasoning on this subject. I shall content myself with quoting a few of his remarks.

Book 1, ch. 5, § 3. "Much greater is the number of those who believed that every belligerent Power possessed essentially the right of forbidding neutral Powers to sell arms and warlike stores to its enemy; and that this is a full right, that is, a right of strict justice. They do not distinguish the circumstances, when the neutral Powers carry on trade with one of the belligerents, and supply it with arms and warlike stores, and when, with perfect impartiality, they trade with both. In the first case, the preference of one party is apparent, and in the second, neutrality is respected in all respects. And so it is with an end; but as, in the other case, friendship does not appear to have ceased, there is not yet to be discovered any reason to act inimically on this account towards a friend."

And, in truth, this reflected will certainly conduce to conclude that neutral Powers cannot be forbidden to exercise a free trade, even in contraband, as long as they exercise it in an impartial manner with both belligerent parties, or are willing to do so. Therefore say that they decide very unjustly.

I say, then, that those nations who have not otherwise bound themselves by express compact, it is not a duty of strict right to carry no contraband articles to the belligerent Powers: for, if a neutral Power had a full and complete right to set itself against such trade, yet, between two sovereigns, who are placed in the situation of natural equality, freedom, and independence, the full right of the one is annihilated by the full right of the other. And, in opinion of neutral nations, the renunciation of their own convenience in favor of the greater convenience of another is only a duty of equity, but of essential and strict right."

"Hence it follows that we must often inquire and distinguish whether the trade in those goods which are called contraband is of greater or less importance to the nation which exercises it. In the first case, since we are discussing a duty of favor, which admits of infinite gradations, we cannot confidently expect an extraordinary and very affecting sacrifice, as we may when it extends only to a small inconvenience.""

Then follow what the author states as the true positions of this matter, some of which you have cited:

1. When a belligerent nation desires a friendly neutral nation to carry no contraband to its enemy, it must formally notify it to buy them: in the natural course of things, the belligerent Power cannot comply with the requisition.

2. When it has thus disclosed its request, it must itself renounce all pretensions to be furnished with contraband goods.

3. When a neutral State has entered into a treaty of peace and commerce with one of the belligerent Powers, stipulating to carry no contraband to the enemy, there is always a condition implied that the like goods shall be denied to both the belligerent Powers, without distinction.

4. Consequently the belligerent State, which has never disclosed to its neutral friend that it did not see with content the supplying its enemy with contraband of war, and much more if it has availed itself of this privilege, has bought arms and other sorts of military stores, or, what is of more account, has received from it soldiers, recruits, horses, has no further right to expect that the neutral should not show the like to the enemy.

5. If the neutral State were engaged in the war, carry any contraband to the belligerent Powers, must always be followed, when it does not induce a very great and intolerable inconvenience, inasmuch as what tends immediately to the destruction of mankind is with better reason refused than permitted; and, therefore, this desire, much more than its opposite, comports with true impartiality, since it is not the right of a neutral State to thrust its goods upon an invader."

I will cite only one more passage from Galliani, which appears to be the result of his considerations on this sub-

B. 1, ch. 9, § 4. "If we reflect more upon it, it must be acknowledged that the first position of the principle, which I have above established, recurs—that belligerent Powers have no right to make this demand, (not to carry contraband to the enemy) as also that there lies no duty of strict right upon the neutral to refrain from the trade
of contraband of war. In the mean time, the desire of the belligerent, who possesses no full right to ask, must be declared in decent and temperate terms; and the request cannot be considered as discreet and acceptable when it occasions too great inconvenience to the party to whom it is addressed."

I will close this letter with a few observations.

It is well known that a considerable portion of the exports of the United States consists of articles contraband of war. It is well known that these have, during the whole of the present war, been freely exported to the dominions of France, as well as those of all other belligerents, and that Galliani's (4th position) for France to desire that the citizens of the United States should now abandon a commerce of which she has availed herself during the several years of the war to this time; and still less ought she, while continuing to enjoy an otherwise unrestrained trade in contraband goods, to expect such an abandonment of only a particular article of commerce of which she may have no need, and which may chance to be very useful to her enemy. Under these circumstances, a compliance on the part of the United States would compromit their interests as well as their neutrality. The wants of two or more belligerent Powers may together embrace the general objects of the commerce of a neutral nation; but, if each were possessed of a right to receive, and the other of a right to exclude, the entire commerce which was peculiarly useful to its enemy, the entire commerce of such neutral nation might be annihilated.

The article of horses, although not constituting a principal part of the entire commerce of the United States, yet it is one of those articles that, as a matter of business, thwarts the neutrality of no other nation. It has been the practice of this country, during the present war, to furnish horses to the United States in the trade of some of the colonies (now States) to all parts of the West Indias; and, during the whole of the present war, horses and mules (and oxen, which may be used for military purposes as well as either) have been freely exported to the French as well as to the English islands. It may be seen that this commerce, while it has been prevented the present war, objecions to it have been shown to all the belligerent Powers. Without doubting the fact, (of which I had no previous knowledge) I must suppose that very particular motives influenced the Swiss to this determination, which, however full of wisdom at this time, is repugnant to the common practice of those people for ages. "Amidst all the wars of Europe (says Vauban) the nation which shall be first in the matter of neutrality is naturally allowed to come thither, and purchase provisions, if the country has a surplus, horses, military stores, &c."

I will now notice the other question, which you again bring into view, whether the United States can, without compromitting their neutrality, allow their citizens to serve in the vessels of the enemies of France.

Having in my former letter entered into a full consideration of this subject, and the force of the distinctions and reasons then taken and urged appearing to me still unshaken, I will content myself with a few remarks. I must still rely on the distinction taken in the law of the United States, between our citizens serving on board of armed vessels of war, and those serving on board merchant vessels. Having in my former letter viewed this matter with respect to the neutral duties, it would certainly have been forbidden, as well as the former. To admit that our citizens cannot lawfully enrol themselves in the direct military land or sea service of one of the Powers at war, is very different from your position, that they cannot, in any manner, in the commerce of their country, plunder or exclude them from carrying, even in foreign vessels, not only soldiers, horses, arms, &c. but even provisions: for to the success of military operations the latter are as essential as the former. Probably there is not one of the maritime belligerent Powers that has not, in the course of this war, derived aid, in its military operations, from provisions and other supplies lawfully furnished by the citizens of the United States. Further, in my former letter, I proved, from our commercial treaty with France, that it was lawful for the citizens of the United States to transport not only contraband goods, but her enemies, and even soldiers in actual service. For when the two nations, in the 13th and 23d articles, regulated the course of proceedings in such cases, they clearly admitted the legality of the measure, reserving only to each the right of answering for the property of their respective citizens, and making prisoners of such soldiers. Had the contrary been their intention, instead of regulating, they would have prohibited the trade or carriage of contraband goods, and the transportation of troops.

Admitting these conclusions to be just, (and such they appear to me) how shall we draw a line between the strong case you have stated, and the transportation of troops and stores in ordinary cases? The case you state is that of a fleet and army destined for some military expedition, and you ask whether the transports of neutrals, following in the train of such an armament, would not make a part of it? I confess to you, that the question presents some difficulties: but as the case does not exist, it is not necessary for me to answer it. I am not informed what is the custom of the maritime Powers in this respect. The question between us regards only the detached transportation of articles contraband of war, either in our own vessels or the unarmed vessels of one of the belligerent Powers. On this point, for the reasons now and formerly given, no doubt exists. To restrain the naval and commercial pursuits of neutrals would be but indirectly to impair the navigation and trade. It is the very principle on which Great Britain has, in many of her wars, grounded her practice of capturing neutral vessels, carrying on the simple commerce of her enemies, particularly of France. If, said she, neutral vessels are permitted to transport the commodities of France and her colonies, then her sailors, taken from the service of her merchants, will enable her to man more numerous ships of war. But although Britain thus captured the vessels of neutrals, she never considered the persons employed in such commerce, or the nations to which they belonged, as her enemies.

The difficulty is, in my opinion, in which you recite the concluding sentence of my former letter, you seem to consider it as very exceptional. You will therefore permit me to explain it. In your letter, to which that was an answer, you had stated the object, and brought into view the possible consequences of allowing the British to export horses from the United States. It was not mere the other's matter of the question, and although you had not propounded any plan either by treaty or the law of nations, and that an impartial neutrality forbid the Government to impose the restraint you demanded, to remark that, if the predicted consequences should follow the measures you opposed, the Government had no right to restrain them. If you imagined that even an indifference, much more an unfeigned disposition to follow the interests of France, gave rise to the remark, the sentiments of the Government have been wholly misconceived.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 321.

The Ministers Plenipotentiares of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 29th Floréal, (May 18, 1796, O. S.), 4th year of the French republic, one and indivisible.

Six:

I have just been informed, indirectly, that the House of Representatives has passed a bill for preventing the sale of the prizes which shall be brought in by the ships of war of the belligerent Powers. If this law did not appear to me to destroy the effects of our commercial treaty; if it did not appear to me opposite to the duties of an important national character, if it did not appear to me contrary to the interest of the United States, I should not wait for a remonstrance from my Government, oblige me, at present, to transmit some observations which seem to me calculated to merit your attention.

SIX: The 17th and 22d articles of their commercial treaty, the United States and France agree, in an explicit manner, that in case one of the two Powers should be at war, its enemies should be excluded from the ports of the other, when they shall have made prizes on its citizens. When they mutually guaranteed a free admission of their ships of war, of their privates, and of their respective prizes into these ports, it is clear that they implicitly assured to
each other the right of selling these prizes. In fact, France having no continental possessions in America towards the latitude to which English vessels must go on their return to England, it was to her of extreme importance to have friendly ports into which her vessels might conduct their prizes and sell them, without being exposed to the risks of the sea; which would be the case if they were obliged to send them to France or to her colonies. It was also interesting to the Americans engaged in a war with an European Power, to have ports into which they might conduct and freely sell their prizes made upon the coast of Europe, without being forced to cross the Atlantic.

Such considerations leave no doubt that, by the 17th and 22d articles of the treaty concluded between the United States and France, each nation had implicitly secured to herself the right of selling in the ports of the other the prizes which her ships of war or privates should have made. This right, which the two nations should enjoy, has been avowed and justified by me the President of the Government of the United States.

Whenever our enemies have attacked a prize made by a privateer, it has been only under the pretext that the privateer had been armed in the United States, and that she had therefore derogated from both the laws of neutrality and the President's proclamation.

The courts have never condemned French prizes but upon the fact of having armed in the United States; and when the contrary has been fully proved, the privateer had the right of selling the prizes without any obstacle. Yet in virtue of what act could she sell her prize? Of the 22d article of our commercial treaty. This article imports a standing right, but it is the implication that a number of such vessels should be armed in the ports of the one nation, and brought in and sold by the other nation. The American Government conceived that this construction could not be given to the 22d article; it explained itself formally in this respect; but did not object to the right of selling prizes; it has even expressly acknowledged it, since it has constantly permitted the French ships of war and privates to enjoy it.

The enemies of France could not accuse you of violating the rules of neutrality by leaving to her the free exercise of this right, as it resulted from the casus fideis, and the obligations prescribed by a treaty do not lead a neutral nation from the line of neutrality whenever she acquits herself of them. Therefore, sir, the English cannot, for that reason, bring in her prizes here. The Secretary of State assured me, in his letter of 6th July, 1796, that this stipulation of our treaty should be faithfully observed in this respect by the American Government. Since, notwithstanding the similar right assured to the King of Great Britain by his treaty with the United States, it is stipulated that it should not derogate from former treaties entered into by the United States. It is clear, therefore, from this that, during the whole course of the present war; in virtue of our treaties, enjoy alone the right of bringing in and selling our prizes here. But if, at present a law existed, prohibiting, in general terms, the sale of prizes, it would bear upon France alone; and at the same time that it deprived her of an advantage granted by her treaty it would tend to affect the balance of neutrality.

In fact, sir, French ships of war bringing out alone the right of bringing in and selling their prizes here, it would be the interest of England, in case she could not procure the same advantage, to deprive France of it: for to take an advantage from our enemy is a real benefit to us, even though we could not employ it. Besides, would not England by this means have new chances in her favor? If our prizes were sold here, it would be the case, that they must be conducted to the colonies or to France; and would not the English then have greater opportunities for intercepting them? It is evident, therefore, that the law procured for preventing the sale of prizes is entirely in favor of the English, and to our disadvantage. But if it be the duty of a neutral nation neither to grant nor refuse more to one of the belligerent powers than to another, whether he do or not exist particular stipulations provided for treaties previous to the war, it follows that the law in question being in favor of Great Britain cannot be conformable to the rules of neutrality.

I venture to hope that you will feel as I do the justness of my observations; and that the Government of the United States will take the necessary measures for preventing the effects of a law contrary to the treaties and to the duties of a neutral nation.

Accept, sir, &c.

P. A. ADET.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, May 4, 1796.

Sir:

On the 26th, I received your letter of the 18th instant, and in order to have the honor to observe, that although the sale of prizes brought into the ports of the United States by armed vessels of the French republic have hitherto been prohibited, yet it has been regarded by us not as a right to which the captors were entitled either by the law of nations or our treaty of amity and commerce with France; the contrary has been explicitly declared by the Government of the United States, and formally acknowledged by the French Government in the year 1789 by the minister of the United States at Paris. In the letter of the 16th of August of that year, from Mr. Jefferson to Mr. de Ternant, it is the following passages: "The seventeenth article of our treaty (with France) leaves to armed vessels free to conduct whersoever they pleased the ships and goods taken from their enemies, without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident that this article does not contemplate a freedom to sell their prizes here; but on the contrary, a durance to some other place, always to be expressed in their commission, where their validity is to be finally adjudged." On the claim of the French agents at that time, not only to sell their prize goods, but to sell them free of duty, Mr. Jefferson remarks, that this article "does not give the right to sell at all." And afterwards, in the same letter, he mentions the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unstipulated in our treaties, and unfounded in her own practice, or in that of the other nations, as we believe. For the sake of France on this point, you will permit me to resort to her treaty of navigation and commerce made with Great Britain in 1786. In the 16th article it is stipulated that it should not be lawful for commerce of objects of either crown, and who should have commissions from any other Prince or State, an enemy to one or the other, to arm their vessels in the ports of either of the two kingdoms, to sell there the prizes they shall make, or to exchange them in any manner whatsoever. This treaty having been made subsequent to the treaty between France and the United States, it is plain, that she did not consider the 16th article as mutilating with the 17th of her prior treaty with us. The truth is, that the corresponding articles in the two treaties contain only negative stipulations in regard to the enemy of one or the other, and positively oblige the selling of prizes by such enemies, without any affirmative stipulation that the parties themselves may do either.

Instead of detaining you by any further observations, allow me to refer you to the aforementioned letter of Mr. Jefferson, which has been published, in which the construction we give to the articles of our treaty of amity and commerce with France, which you have quoted, is illustrated and maintained with a clearness and force of reasoning that removes every doubt.

It being then a position demonstrated, that France has no claim, of right, to sell prizes in the ports of the United States, it was not necessary to make any further consideration of the conveniences or inconveniences which either party might receive or suffer by the permission or prohibition of such sales. In other nations, except where treaties with other nations impose a restraint, there is a right to judge for itself. France exercised this right in her aforementioned treaty of commerce with Great Britain, and the United States propose to exercise the same right in this case.

The remaining observations in your letter, being grounded on the supposition of a right to sell French prizes in our ports, and this supposed right having been proved not to exist, I may be excused from making any remarks upon them. You quote the assurance given you by the late Secretary of State, that the 22d article of our treaty with France, forbidding any of her enemies, and, consequently, at this time, the British, to bring and dispose of
their prizes, in our ports, would be faithfully observed by the American Government; and I may confidently repeat, that it will be observed. The law in question furnishes a proof of it, by the universality of its prohibitions. This form of the proposed law ought to rescue the United States from the reproach of favoring Great Britain: for a neutral nation can be responsible only for the equality of its rules of conduct towards the belligerent Powers, and not for the effects of an exact observance of those rules, which must depend on the situation and circumstances of the warring Powers themselves.

I am, with great respect, sir, &c.

TIMOTHY PICKERING.

No. 133.

The Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, June 13, 1796.

Sir: The merchants of Philadelphia are extremely alarmed by the conduct of a small privateer called the Flying Fish, bearing, it is understood, a commission from the French republic. It is said she has been lying in this port for some time, preparing for sea; and it seems, that, after inquiring and observing what valuable vessels were to sail for foreign ports, she sailed herself to the capes of Delaware, and, not far from thence, lay in wait for the vessels she had marked for her prey. Accordingly, on the 9th instant, she seized on the ship Mount Vernon, belonging to Mr. Murgatroyd, a merchant of Philadelphia, within two hours after the pilot had left her, and within about six leagues of cape Henlopen, took possession of all her papers, and forced the master, mate, and all her crew, save two men, to leave her, and, under these circumstances, she was sent they know not whither! For your more particular information of the circumstances of the capture of this ship, and the designs of the captors, I enclose the protest of the master and his two mates.

Such conduct has more the appearance of an act of piracy, than of the lawful procedure of an armed vessel, regularly commissioned by your republic. Other vessels were on the point of leaving the Delaware bay, but witnessing, or hearing of this outrage, have put back, and returned up the river for safety.

I have been directed, sir, by the President of the United States to represent this case to you, and to request information, if you are possessed of any, concerning this privateer, her name, the name of her commander, whether she is commissioned by the French republic, and what instructions or orders accompany the commission to regulate her conduct.

If the papers found on board the ship, or any other evidence, afforded any just ground to believe her to be the property of an enemy to the French republic, still, neither the master nor the mate (especially the former,) ought to have been removed, but to have been suffered to continue in the ship, that, to whatever port she might be sent for adjudication, a claim on the part of the owners might have been presented at the proper tribunal, and their right maintained. This flagrant violation of a common rule, the observance of which is essential to the support of justice, induces a suspicion that the capturing vessel is a pirate, or a privateer violating the authority of a commission, and the instructions prescribed to regulate her proceedings.

I have only further to express to you, sir, the President's reliance, that if you are possessed of any information on the subject of this letter, you will communicate the same with the candor and frankness due from the representative of a friendly and allied nation.

With great respect, I am, &c.

TIMOTHY PICKERING.

P. S. The public solicitude is so great on this subject, and so many vessels are, in consequence, detained, you will permit me to request a speedy answer.

No. 134.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 26 Prairial, (June 14, 1796, O. S.), 4th year of the French republic, one and indivisible.

Sir: I have received the letter you did me the honor to write me, relative to the seizure of the ship Mount Vernon by the French privateer the Flying Fish.

I am vexed, sir, not to have it in my power to give you the information you request of me. I cannot say whether the privateer, which is certainly a vessel commissioned by the republic, and come from St. Domingo to this port, has or has not acted conformably to orders which have been transmitted to her; I do not know the instructions given by the Directory to its commissioners in the colonies, nor do I know what conduct he has prescribed to them to cause to be observed, by the armed vessels under their orders, in regard to neutrals trading with the enemies of the republic. It is impossible for me, at this moment, to furnish you with precise explanations; I shall, therefore, write to the colonies to obtain them, and I will immediately transmit to you what shall come to my knowledge, as well as to this point, as concerning the event which is the object of your letter. Accept, sir, &c.

P. A. ADET.

No. 135.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, October 5, 1796.

Sir: Some time in June last, I troubled you with an inquiry about the privateer called the Flying Fish, which had captured the ship Mount Vernon. The answer you then gave would have superseded any application at this time, had not the owner and officers of the privateer abused your authority, or that of the French consul at Philadelphia, or both: for I am informed, that the owner reports, that from you he had his particular orders to take the Mount Vernon, and many more vessels; and a deposition, now before me, states that some of his officers declare that the consul expressly told them to take the ship Mount Vernon, and that if she was not covered British property, he would indemnify them.

Under these circumstances, the owners deem it important, in the prosecution of their claim, to be furnished with some document which shall enable them to repel the groundless assertions, above mentioned, of Paris and its officers. Hence, I trust you will pardon any troubling you again on this subject, and requesting that you will be pleased to direct the consul to make out an official certificate for that purpose.

With great respect, I am, sir, &c.

TIMOTHY PICKERING.
FRANCE

No. 136.

The Minister Plenipotentiary of the French republic to the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 16th Feuvaire, (7th October, 1796, O. S.), 5th year of the French republic, one and indivisible.

Sir:—I have received with astonishment the letter you did me the honor to address to me on the 5th October. I have interrogated the consul on the subject of which it treats, and I have the honor to inform you, that I have forbidden him to subscribe any declaration relative to an affair in which individuals have undertaken to introduce his and my name without any authority for so doing.

In remaining a stranger to this affair, you may rest assured I observe a conduct as favorable as possible to the interests of the American citizens, in the name of whom the Mount Vernon was fitted out.

Accept, sir, &c.

P. A. ADET.

No. 137.

The Secretary of State to the Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 1, 1796.

Sir:—It being the duty of the Executive of the United States to watch over their interests, I am instructed by the President to request of you an explanation on the subject of the following questions.

1. Whether the Government of France have decreed any new regulations or orders relative to the commerce of the United States?

2. Whether these regulations or orders, (if such exist) are confined to vessels laden wholly or in part with provisions? If not so confined, to what other articles they extend?

3. Whether American vessels, laden wholly or in part with provisions, and destined to any other ports than those of France or her dominions, particularly if destined to any English ports, are directed to be captured and carried into French ports, and their cargoes entire, or such parts thereof as consist of provisions, or other specified articles, applied to the use of the French republic or its citizens?

4. If such captures are authorized by the French republic, or by the decrees or orders of any branch of its Government, on what grounds such authority, decrees, or orders, have been given?

These questions, you will perceive, sir, have relation to reports of designs relative to the commerce of the United States, which cannot fail to excite apprehensions in the minds of our merchants. The general interests of the United States are intimately blended with that of the French republic, and the good understanding and friendship between the two nations, which it has been the uniform desire of the American Government to maintain, require me to request an early answer to this letter.

With great respect, I am, &c.

TIMOTHY PICKERING.

No. 138.

The Minister Plenipotentiary from the French republic to the United States of America, to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 26th Messidor, (14th July, 1796, O. S.), 4th year of the French republic, one and indivisible.

Sir:—The business with which I have been harrassed has prevented me from answering sooner the letter you did me the honor to write to me on the 1st of July.

I am sorry, sir, to be obliged to leave you in an uncertainty, in which I myself participate. I do not know the nature of the orders which may have been given by my Government to the officers of the ships of war of the republic, or what conduct it has prescribed to them to hold with regard to the neutral vessels trading with our enemies. I am not informed whether the ancient arrêts of the committee of public safety relative to the commerce of the United States are still in force or not. Some considerable time having elapsed, since I have received news from France, I cannot have recourse to old dates to resolve your doubts. I can only refer to the answer which I had the honor of giving to your letter relative to the Mount Vernon.

The consul at Boston has just informed me that the collector of the customs there has prevented the unloading and sale of the prizes carried into that port by two French privates. The consul has informatively complained to him. The collector founds his refusal upon a letter which he says he received from you.

I request you, sir, to inform me whether the President has caused orders to be given for preventing the sale of prizes carried into the ports of the United States by vessels of the republic, or privates armed under its authority, and if so, upon what foundation this prohibition rests.

Accept, sir, &c.

P. A. ADET.

No. 139.

The Secretary of State to the Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, July 10, 1796.

Sir:—I have to acknowledge the receipt of your letter of the 14th instant, in answer to mine of the 1st. You embraced the occasion to communicate the information you had received from the consul at Boston, that the collector of the customs there has prevented the unloading and selling of the prizes carried into that port by two French privates; groundning his proceeding on a letter received from me; and you inquire, whether the President has given orders to prevent the sale of prizes carried into the ports of the United States by vessels of the republic, or privates armed under its authority, and if so, upon what foundation this prohibition rests? I will be frank, sir, in answering these questions, after making some preliminary observations.

The question about the sale of prizes is not a new one. It was agitated, and the point of right settled in the year 1793. Among the state papers communicated to Congress at the close of that year, and which have been published, is a letter from Mr. Jefferson to Mr. Morris, dated the 10th August, in which is the following passage: "The 17th article of our treaty [meaning with France] leaves armed vessels free to conduct, whithsoever they please, the ships and goods taken from their enemies, without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident that this article does not contemplate a freedom to sell their prizes here; but on the contrary, a departure to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case it would be
as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices. And against this the article provides. But the armed vessels of France have been also admitted to land and sell there the prizes, for which they should pay duties as the goods of a merchantman landed and sold for consumption. They have, however, demanded, as a matter of right, to sell them free of duty; a right, they say, given by this article of the treaty, though the article does not give the right to sell at all.

This article is in the same sense. And accordingly, in her treaty of commerce with Great Britain, in 1786, she entered into a stipulation which, in the case of a war between the United States and Great Britain, would have prevented the vessels of the United States from armizing as privateers, or selling their prizes in the ports of France. In like manner, the United States in their commercial treaty with Great Britain, in 1815, made a similar provision for a similar prohibition. Indeed, the 24th article of the latter treaty is but a translation of the 16th between France and Great Britain.

Under this view of the case, sir, as soon as provision was made on both sides to carry into effect the treaty between the United States and Great Britain, it became a duty of the Government of the United States to countermand the permission formerly given to French privateers to sell their prizes in our ports. Such sales, you have seen, the United States had always a right to prohibit; and by the above mentioned stipulation this right became a duty. These, sir, are the foundations of the orders which have been given to prevent the sale of the prizes lately carried into Boston by the captured privateer, the Betty Cathcart; and those orders which have since been made general, and communicated to the collectors in all the ports of the United States. But, at present, those orders are confined to prizes brought into our ports by privateers.

I have the honor, &c.

TIMOTHY PICKERING.

No. 140.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, the 21st Vendémiaire, (October 12, 1796, O. S.)

5th year of the French republic, one and indivisible.

Sr:

The French privateer Leo took into Charleston an English vessel called the Mary. The English consul required that the sale of this vessel should be prohibited, in virtue of the 24th article of the treaty concluded between the King of Great Britain and the United States.

The Government of South Carolina, uncertain as to the interpretation which the 24th article should receive, determined to bring the case before the Federal courts. In the meantime, the French privateer sold the Mary. The latter vessel was condemned, and the sale was commenced. It was stayed by a warrant in the hands of the marshal, who obliged the agents of the privateer to appear before the admiralty.

A decision, rendered by the chief justice (Ellsworth) in a special court, interdicted the sale of the prize, in virtue of the 24th article of the treaty concluded between Great Britain and England. This decision was confirmed by the circuit court of Carolina, and, when they were going to throw in an appeal to the Supreme Court, the circular letter from the Secretary of the Treasury, relative to the sale of our prizes, was made known, and it was conceived that an appeal became useless.

In the mean time, the vessel being ready to sink, she was examined and condemned. The privateer agents, of whom Judge Ellsworth took a bond of 10,000 dollars as a security that they would not sell the prize, solicited permission to export the cargo in neutral vessels: this was refused, and the cargo, which consisted of 87,000 pounds of sugar, became a prey to the flames, during the fire at Charleston. Permission, however, has been given to export a trifling part of the cargo, saved from the conflagration.

The condemned vessel was purchased and repaired by an American. His project was to go and sell her in the Antilles; but he was obliged to abandon her, and to cancel his bargain, because he was refused American papers.

The privateer agents then wished to send off this vessel, in ballast, with French papers; the collector of the customs, Mr. Holmes, opposed it, and the vessel remains in the port of Charleston, notwithstanding the protest of the French consul of the 16th Fructidor.

Such is the fact of which the consent of Charleston has rendered me an account, about which I spoke to you yesterday, and to which I call your attention. Such is the violation of our treaty, against which I solicit your justice.

The 17th article of our treaty secures to our privateers the faculty of entering into the ports of the United States, and the profit out of them with their prizes. The 24th article of the treaty concluded with Great Britain in truth intercepts the privateers of the country, at war with that Power, from entering the ports of the United States; but, by the 25th article, our rights are acknowledged, and the Government has assured me that it would maintain them. Our privateers have, therefore, the liberty of freely bringing in and landing their prizes. Their agents have requested, and should then go out of the port of Charleston, without any obstacle, as she entered there; and, therefore, the collector of the customs violated our treaty when he prevented her going out.

But how shall I qualify the refusal given to the agents of the privateer Leo to export, in neutral vessels, the cargo of this prize? Upon what can such an act be supported? Is there, in the treaty concluded with Great Britain, any explicit stipulation which can be brought forward? Doubtless, there is none; and yet, because our treaty does not contain, in an explicit manner, the right of selling our prizes, it is contested with and refused to us! By a forced interpretation of the treaty concluded with Great Britain, will it be found that we have not the right to export, in a case of necessity, the cargo of our prizes in neutral vessels? This manner of reasoning is, beyond a doubt, inadmissible, and a just and impartial man will never use it. Besides, facts support what I have the honor of saying to you, since the permission, which was refused at first, was afterwards granted. The state of things had not been changed, and the collector had no more right to refuse the customs than he had to prevent the export in neutral vessels, after the conflagration of Charleston, why did he not allow it before? He was, therefore, moved, not by the spirit of justice which ought to direct his actions, but by a partiality of which it is difficult to give an account; for he should merely have taken care, according to the orders transmitted to him, that the prize was not sold in the United States and it was not for him under any pretext to give a greater extent than really existed to the stipulations of the treaty concluded with the English, in order to make them bear heavily on us. Does this conduct appear to the agent of a neutral Government? In consequence of it, have I not a right to require that the collector of the customs be punished for having violated the treaty, on the one hand, and, having certainly exceeded the powers of the privateer, he has a right to do? I could wish, sir, it were in my power here to stop my just complaints; but there are other facts which I cannot pass over in silence, and of which it is requisite I should inform you.

The ship Cathcart has carried into Wilmington, in North Carolina, the Betty Cathcart and the Aaron, prizes made upon the English.

The sale of these prizes has been prohibited. They were very leaky. Two tradesmen, named by the collector James Read, have certified that they could not be sold out again to sea. The privateer and her agents, however, wished to make the sale. The collector then sold them, upon the basis of the 24th article of the treaty concluded with Great Britain. But I now have that article before me, and I see no stipulation which could authorize the collector, James Read, to take the step he has done.

Notwithstanding the solicitations and protestations of the agents of the privateer against his refusal, James Read still persisted in it, although the leaks of the Betty Cathcart were such that she made between thirty and forty inches of water in an hour. In this latter circumstance, he founds his conduct on the orders of Government.
I cannot believe, sir, that the collector, James Read, then advanced a fact. I cannot believe that the Federal Government, by hindering the unloading of prizes not in a condition to go to sea, thereby wished to aggravate the conditions of a treaty made with our enemies, when they are already so disadvantageous to us. I cannot believe that it wished to do so, but I move, to add to the wrongs which the English well know how to do us by their treaty with the United States, but be this as it may, it is no less true that the officers and crew of the Bellona, as well as those of the Leio, have experienced considerable losses by the conduct of the collectors of the customs of Charleston and Wilmington; that these collections have been unnecessarily exacted, that on the one hand, our treaty has been violated, and, on the other, an arbitrary proceeding, which cannot be justified by any means, has been allowed against French citizens coming into your ports, under the faith of previous treaties and conventions, and when they were in no way notified that these conventions were changed. It is no less true, that these citizens have experienced real damage from the wrongs of the official persons who, therefore, are to be considered as one satisfied another. This is what I request, sir, in the name of justice, besides invoking your severity against the collectors James Read and Holmes.

I further, that I shall obtain the object of these requests, that the Mary may freely go out under a French flag, and that I shall have only a satisfactory account to render to my Government under these circumstances; but, in order to avoid in future claims of a like nature, I request you to be pleased to answer the following questions:
1. Will the prizes made by the ships of the republic upon the English continue to be sold here?
2. Will the vessels and masters only be deprived of the advantages which the French have under the conditions of treaties previously entered into?
3. Shall we unconditionally enjoy the right of unloading the prizes in case of damage, and of having them repaired?
4. Can a part of the prize, sufficient only for the expense of repairs, be sold?

It is useless, sir, for me to enter into any detail to lead you to conceive how important it is for the interests of our masters, that I should be able to say to them in a precise manner what they are to expect on coming into your ports.

I shall be much obliged to you, also, if you will be pleased to answer me as speedily as possible, in order that I may inform my Government of your ulterior resolutions. Accept, &c.

P. A. ADET.

No. 111.

Secretary of State to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, November 15, 1796.

SIR: On the 13th ult. I had the honor to receive your letter of the 12th, but not possessing of any information on the subject, I laid it before the Secretary of the Treasury, under whose immediate superintendence the collectors of the customs are placed. He has favored me with the letters of the collectors of Charleston and Wilmington, against whom you complain, with sundry documents describing their proceedings in regard to the British ship Amity, (which you call the Mary,) that was carried into the port of Charleston, as a prize to the French privateer Leo; and to the British ship Betty Caskhart and the snow Aaron, which were carried into the port of Wilmington, as prizes to the French privateer Bellona.

If the French consul at Charleston, Mr. Dupont, had correctly stated the facts respecting the ship Amity, I trust you would have found no cause to complain against the collector, Mr. Holmes, whose conduct appears evidently to have been guided by an honest sense of his duty, and the laudable spirit of a citizen, when he saw the laws and authority of his country treated with disrespect. Permit me, then, to state the case from the papers now before me.

On the 7th of April last the privateer Leo carried her prize, the Amity, into Charleston. The prize was entered at the custom house, and security given, as usual, for the duties on her cargo. The Federal court being in session, the British vice consul applied and obtained an injunction prohibiting the sale of the prize.

Then the captors represented to the collector, that the prize ship was so disabled that she could not proceed to the nearest French port, agreeably to our treaty with France. Thereupon the collector directed a survey of the ship to be made. The persons who surveyed her reported, on the 30th May, various defects in her bottom, beams, decks, masts, yards, rigging, and sails, to prove her to be unfit for sea; and Mr. Vessey, an agent for the captors, asserted, that the ship was incapable of being fitted for sea, and that it was impossible for her to be refitted so as to carry her cargo to any foreign port, a cargo of the immense weight of near six hundred hogheads of sugar, rum, &c. Hence it is that the British captors have been allowed to prize good in other bottoms; and, after taking advice, which confirmed his opinion, he, on the application of the agents, gave the requisite permission. And, in consequence, "the greatest part of the cargo was shipped in neutral bottoms for the benefit of the drawback, the duties having been previously secured." Thus far all was very well; and I cannot but observe, that the proceedings of the collector are marked with liberality.

But now the difficulties began. After the survey had been made, and the greatest part of the cargo shipped in neutral bottoms, the captors, or their agents, in defiance of the laws of the United States (for the British treaty had then become a public law) and in direct contempt of the injunction of the Federal court, sold the prize ship to American citizens; and the French consul, Mr. Dupont, sanctioned the sale. The purchasers immediately repaired the prize ship, which had been declared to be irreparable, and applied to the collector for her clearance as an American vessel. The collector, seeing the deception which had been practised upon him, and considering the violation of the laws, and the contempt of the authority of the United States, very properly refused his concurrence to render those deceitful and illegal acts finally successful.

Your letter, grounded on Mr. Dupont's information, and a memorial of Messrs. North and Vessey to the Secretary of the Treasury, state that the collector refused permission to issue the prize cargo on board neutral vessels until after a part of it had been destroyed by fire. But there was a considerable interval between the date of the report to the collector, and the date of the refusal, as early as the 30th of May, that the prize cargo might lawfully be carried away in neutral or other bottoms, the prize ship having been considered as irreparable. It hence appears highly improbable, and nearly impossible, that after the 30th of May, the collector should have refused his permission to export the cargo in neutral vessels. If the interval between the 30th of May and the 13th of June, (when it seems the great fire happened at Charleston) it is possible that no application was made to the collector to permit the exportation of the cargo in neutral vessels. But at no time was the collector disposed to throw unnecessary difficulties in the way and his surenergies in this case as new as it was important, continued only until he obtained advice which sound discretion required him to ask.

You are under a mistake about the portion of the prize cargo which was destroyed by fire. Permit me to exhibit the facts as stated by Messrs. North and Vessey, the agents for the prize. The cargo of the ship Amity consisted of 490 hogheads of sugar, wt. gross, 87,999 lbs. 70 barrels do. do. 70,870

490 hogheads of sugar, wt. gross, 87,999 lbs.

70 barrels do. do. 70,870

310 bags of pimento, 35,130 lbs. pounds.

27 hogs of rum, 2,923 gallons.

Consumed in the fire at Charleston, June 13th, 52 hogs. of sugar; 50,229 lbs.

Which is but little more than a tenth part of the cargo, and it is not intimated that any other part of her cargo was destroyed.
From this state of facts no blame appears to attach to any officer of the United States. The sale of the prize and her cargo was lawfully prohibited; but, by a liberal construction of the treaty with the French republic, permission was given to export the cargo in other vessels when the prize ship was, in effect, under a proper duty, with its captors, and when furnished with a proper proof of her departure. It is true, that, of the proofs, and acknowledgment of the sale to those American citizens, after the American flag had for several days been flying on board her, he refused to permit her departure as a French prize he refused her to the consul Dupont, who, not respecting the laws and authority of the United States, knowingly sanctioned the sale: and under all these circumstances, will not his refusal be deemed excusable? In respect to the two prizes carried into Wilmington, in North Carolina, the decision of the crew, I should believe of the collector, Mr. Read, any designated rigor, beyond the requisitions of the laws of the United States. In his letter of the 26th of July to the Secretary of the Treasury, which is now before me, he manifests a desire merely to perform his duty according to his conception of the meaning of the laws; but requests instructions for his guide. On the 30th of August (the day after his letter was received) the Secretary wrote him directions, particularly to permit the unlading of the prizes, if, upon examination, it appeared necessary to the repairing of them. The collector's temporary opposition to this measure arose evidently from a mistaken construction of a former letter from the Secretary of the Treasury. This mistake was promptly corrected; and it is now original in two months since they were going to unload both vessels. Any damage that may have ensued from the involuntary errors of the collector, the captors or their agents will do well to state for consideration. With respect to the losses which may have been sustained by the captors of the prize ship Amity, at Charleston, the documents with which I have been furnished prove that they must be the result of their own misconduct, or of an accident which no human foresight could prevent. If the agents of the prize shall produce counter proofs, they will receive all due consideration.

To the four questions stated in your letter, I am pleased to accept the following answers:

"1st. Will the prizes made by the ships of the republic upon the English continue to be sold here?" I have had the honor, in some former letters, to state to you the sense of the Government on this point, with the reasons to support it. Permission to sell prizes was considered by the Government not demandable as of right. The Power permitting could therefore restrain the sales. The only restraint yet imposed has respected captures made by privateers.

"2d. Will the prizes made by the privateers of the republic upon others than the English be sold?" As the original permission to sell prizes extended to those taken from all the enemies of the French republic, and as the restraint lately imposed refers merely to British vessels, pursuant to the article of the treaty just mentioned, so the indulgence, in other respects, is to be considered as respected.

"3d. Shall we unconditionally enjoy the right of unlading the prizes in case of damage, and of having them repaired?" The right of unlading prize vessels, when they are so damaged as to be unfit to proceed to sea without repairs, will not be counterverted; but the unlading and storing of the cargoes must be under the inspection of the proper officers of the United States, as a necessary precaution against a transgression of our laws. And in case the prize vessels are really irreparable, and in consequence are regularly condemned as unfit ever to proceed to sea, their cargoes may be exported as French property, in other bottoms.

"4th. Can a part of the prize, sufficient only for the expense of the repairs, be sold?" So much of the prize cargo may be sold as shall bona fide be necessary for the repairs, without which the vessel will be unfit to proceed to sea. But such sales must be made under the inspection of the collectors, pursuant to the instructions of the Treasury Department, for securing the duties on imports, and confining the amount of the sales to the necessity of each case.

With respect to the ship Amity at Charleston, the collector of that port will be instructed to permit her departure as a French prize.

The letter substance, as it now appears, was prepared to be sent you in the last month; but doubts arose on some points, concerning which legal opinions were taken, and occasioned the further delay to this time.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 142.

The Minister Plenipotentiary of the French republic near the United States to Mr. Pickering, Secretary of State of the United States.

PHILADELPHIA, 19th November, (9th Jan. 1796, G. S.)

4th year of the French republic, one and indivisible.

Sir: Instructed to watch over the interests of my country, instructed not to allow either its rights or its honor to be violated, instructed to maintain peace and good harmony between France and the United States, I pray the confidence of my Government, and the duties which my station impose on me, were I now to remain silent on a circumstance which must make all France discontented, and were I not to hasten to give you information of it.

When the National Convention decreed that the French flag should be presented by its minister to the United States, there was but one opinion as to the place in which it should be deposited. A decree had placed yours in the hall of the legislative body. Every one thought that the French flag would with you receive the same honor; all my fellow-citizens have, one after another, contemplated that pledge of your friendship, and each one believed that the Americans would also have the same eagerness to view the symbol of the enfranchisement of a friendly nation, who, like them, had purchased their liberty at the price of their liberty.

This expectation has not been fulfilled, and it has been decided that the French flag should be shut up among the archives. Whatever may be the expression of friendship in the answer of the President,—however amicable, also, are the relations of the House of Representatives,—I cannot doubt, sir, that the order made for preserving a flag, which the republic sent only to the United States, will be looked upon by it as a mark of contempt or indifference. Pride, sir, you know, is the portion of a free people; and it is never wounded but at the expense of friendship. The present circumstances are extremely delicate; and when I am convinced the American Government had no intention of受到 the French republic to think that the gift of her flag was worth nothing in its eyes, should it not give authentic proofs of it? Would it not be convenient to fix this flag in a similar place to that which yours occupies in France, and where the national honor expected to see it?

I venture to believe, sir, that when I make you this proposition, you will know how to appreciate my intentions, and that you will not, by this step, the man, who, from a regard to character, endeavors to prevent every cause of altercation between the Governments of two people united by the same interests.

Accept, sir, &c.

P. A. ADET.

No. 143.

Mr. Pickering, Secretary of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, Jan. 15, 1796.

Sir: I have received your letter of the 9th, indicating your regrets at the disposition which has been made of the colors you presented to the United States, and your opinion that all France will be dissatisfied.
TIMOTHY PICKERING.

No. 144.

The Minister Plenipotentiary of the French republic near the United States of America to Mr. Pickering, Secretary of State of the United States.

Philadelphia, 12th Ventose, (March 3, 1796, O. S.)

4th year of the French republic, one and indivisible.

SIR:

Some periodical works, and particularly the Directory printed at Philadelphia, have come out this year with an alteration against which it is my duty to complain.

The French ministers have always enjoyed the precedence as to those of England, not only in the United States, but throughout the world; and France, as a republic, has preserved, and will preserve, the rank she has held in the diplomatic corps under her ancient regime.

The French people look upon all peoples as equal and as brothers; but they will never suffer that partial distinctions, contrary to custom, should be granted directly, or indirectly, to any State whatever.

If the foreign agents near your republic have hitherto been arranged in the Directory and other almanacs of the United States, in the order of rank appertaining to their respective powers.

This year the agents of Great Britain, who enjoy only the third rank, have there been placed before those of France and Spain.

It is usual, sir, for almanacs of this kind to be corrected under the direction of Governments, and with their approbation. I should presume that this is not the case in the United States, since they would have noticed the alteration against which I complain.

If I am mistaken in this respect, as I ought to suppose that this change is only an error, I shall confine myself, sir, to requesting you to have it rectified by suppressing the publication and the distribution of the Directory and other almanacs in which it has been committed.

But if, as I imagine, these works are the property of individuals, and the Government of the United States can exercise no influence as to their correction, in this case, as their publication, although free, has taken place under the protection of the American laws, and if the alteration therein made should not be contradicted, the public may conclude either that it has been consented to by the Government of the United States, and acquiesced in by me, or that the French republic desires and has always, as a republic and as a nation, preserved this rank.

I pray you, sir, to be pleased to declare in writing, that the Government of the United States have no concern in the printing of the Directory and other works of that kind, in which the agents of the French republic near the United States have been registered this year after those of Great Britain, against the usage and the right of precedence, which belongs to the French republic; and to permit me to publish in the newspapers your answer or declaration which I have the honor to request.

Accept, sir, my sentiments of respect and esteem.

P. A. ADET.

No. 145.

Mr. Pickering, Secretary of State, to Mr. ADET, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, March 14, 1796.

SIR: I received your letter of the 3d instant, complaining of an alteration introduced into some periodical works, particularly the Directory printed at Philadelphia, in which the names of foreign agents in the United States are so arranged, that those of Great Britain precede those of France; although (you observe) not only in the United States, but in all the world, France has always enjoyed, in the diplomatic line, the precedence of Great Britain.

You rightly imagine, sir, that works of this kind are not here, as in Europe, edited under the direction of Government. They are all the property of individuals, who print what they please, and in such order as their ideas of propriety may dictate.
priety, or humor, or accident, may direct. The contents of such annual works are usually confined to facts, the details of which are not of a nature to be subjected to any legal regulation.

Concerning the mode in which the summary of foreign Powers in the United States to have originated in an error, without any direction from the Government, "you request that the error may be corrected, by a suppression of the publication and distribution of the Directory and other almanacs, in which the same error has been committed." But, sir, this is impossible. These works are, as I have before observed, the property of private owners, who, having adhered against any law, can be subjected to no penalty or loss. The press in the United States, you must have, sir, is perfectly free. Not to trouble you with any more remarks, I will close this letter with noting the manner in which the foreign diplomatic characters in the United States have been arranged in a like annual publication in this number.

In the last number of the Register for 1796, those from the French republic, the United Netherlands, Portugal, Spain, Sweden, Prussia, and last of all those from Great Britain.

It is not necessary for me to express any opinion whether this arrangement is erroneous or correct, or whether, among the various aspects of our sovereign interest, in the public, and, therefore, the part of the subject, the existence of the impression, is not until my reply was received and fully weighed; and I have now the pleasure to transmit you the result of the communication which afterwards took place between the minister and myself on that subject.

"I do not know what effect my reply has had upon the mind of the Directory, because it was only sent in a few days. I shall endeavor to ascertain this if possible, and, in case I do, will immediately afterwards apprise you of it.

"I think proper here to communicate to you an incident which took place between the minister and myself, after I had originated from the Directory a promise that he should state the objections above referred to, and discuss their merits with me, and which was, as herefore, intimated to you on the 8th of March last. During that period I received from the minister the communication promised, in a note of the same date, but differing in some other respects from the present one, and particularly in the number of complaints, two of the catalogue being now given up by him, and to which I replied as I could prepare my reply, in a note bearing likewise the same date with that which I now enclose you. After he had perused my reply, he was sensible that he had insisted on some points that were not tenable, and, in consequence, asked that I would permit him to retake his note, returning mine, that he might correct himself, and, of course, that I would consider the discussion as yet to be commenced. I told him the completion of the communication I would undertake with pleasure, and that I would consider myself in the light of a solicitor bound to catch at and take advantage of little errors; that I wished, upon all occasions, and with every one, and especially upon the present occasion with him, to act with candor, and, in consequence, I soon afterwards restored him his note and took back my own.

"At the time when I made the minister this promise, I thought it in my power to comply with it. I had, it is true, according to custom, written and enclosed you a copy of both papers; but yet I thought Doctor Brockenhour, to whom I entrusted my letter for you, was in France, within my reach, that I might recover it. Upon inquiry, however, I found that he had departed, by way of Dunkirk, for England, a route I knew he intended to take, and in which state of things all that I could do was to write and request him to return me that letter, and which I immediately did. I have not yet heard from him, and, of course, cannot tell whether I shall recover it or not. As soon, however, as I knew he was gone, I apprized the minister of it, as likewise of the above circumstances, satisfying him that I had written him in good faith, and that I could only rely on a repetition of the same, if he would take care, and, in communicating the above to you, I do it as well to explain this transaction, and which will require explanation in case you receive that letter, as to make known to you, as far as depends on me, the condition on which I have received it.

"The minister thought proper to give his second communication the same date with the former one, although more than a fortnight had intervened between the one and the other; and, in consequence, I followed his example, giving my latter reply the same date with the former one. His motive I did not inquire into; mine was that the Directory might see that the delay which took place did not proceed from me."

No. 147.

Summary statement of the complaints of the French republic against the Government of the United States.

First complaint.—The in execution of the treaties.

1st. The courts of justice of the United States have taken and still take cognizance of prizes which our privateers conduct into their ports, notwithstanding the express clause of the treaty against it. Our ministers have proposed various arrangements for limiting these usurpations. The Federal Government has not yet made answer on this subject; the first propositions were not accepted, and the latter measures fell into disuse. The disgusts, the delays, the losses resulting to our seamen from such a state of things, are palpable. They almost entirely deprive the American statesmen of the advantage which they may expect from the particular article of the treaty.

2d. The admission of English ships of war, even in cases where they are excluded by the 17th article of the treaty, that is, when they have made prizes on the republic or on its citizens. The weakness with which the Federal Government conceded this point, in the first instance, has increased the pretensions of Great Britain, and now the matter is pressed with such importunity that, without further delay, the United States, in every respect, the promises has there victualled his ships in order to cruise on the American commerce, and to pillage our property. This division carries its authority even to the conducting thither its prizes.

3d. The consular convention, forming a part of our treaties, is equally unexecuted in its two most important clauses: the first, granting the absolute right in all cases, and the second, the exclusive decision in disputes arising between Frenchmen, becomes illusory, for the want of laws giving to the consuls the means of having their decisions executed. The consequence of this inability tends to annul the prerogative of our consuls, and materially to injure the interest of our merchants.

The second gives to our consuls the right of causing our mariners who desert to be arrested. The execution of this part of the convention affects both all expression, our maritime service, during the stay of our vessels in the American ports. The judges charged by the laws with issuing the mandates of arrest, have last restored the presentation of the original of the roll of the crew, in contempt of the 5th article, admitting, that the consuls, not only received the presentation of the original roll, and then the seamen are not liable to be apprehended. 4th. The arrestation, in the port of Philadelphia, in the
month of August, 1793, of the captain of the corvette the Cassius, for acts committed by him on the high seas. This is contrary to the 19th article of the treaty of commerce, which stipulates "that the commanders of public and of private vessels shall not be detained in any manner"; besides, it violates the most obvious law of nations, which places the officers of public vessels under the safeguard of their flag. The United States have had sufficient proofs of deference on the part of the republic, to count upon its justice in this instance. The captain was imprisoned notwithstanding the consular of the republic produced bail. Scarcely was he set at liberty when the corvette, although regularly armed at the Cape by General LaFoueau, was arrested, and it appears she is still so under pretext that, eight months before she sailed from Philadelphia suspected of having armed in that port.

Second complaint.—The impunity of the outrage committed on the republic in the person of its minister, the citizen Fauchet, by the vice of the vessel, the Annazon, at the port of Nantes.

The administration of the waters of the United States of the packet boat having citizen Fauchet on board, the search made in the trunks of that minister, with the avowed object of seizing his person and papers, merited an example. The insult was committed on the 1st of August, 1793, (O. S.) the shop all the rest of the month blocked up the Medina frigate, belonging to the United States, and they kept her 20 days without the slightest provocation. For a new outrage on the United States by a menacing letter, the exequatur was withdrawn from the consul merely for having taken a part in the latter insult.

Third complaint.—The treaty concluded in November, 1794, between the United States and Great Britain. It is well known at present war, although occasionally suspended, and is the most essential and least contested prerogatives of neutrality.

1st. The United States, besides having departed from the principles established by the armed neutrality during the war; they have tacitly acknowledged the pretensions raised by the English to create a serious conflict in our colonies, and even in France, by the force of a bare proclamation. This abandonment of the independence of their commerce is incompatible with their neutrality. Mr. Jefferson has himself acknowledged it in his letter of 7th September, to the minister plenipotentiary of the United States at London, on the subject of the peaceful interposition of the United States respecting the execution of the King of Great Britain, from whom the commerce of the United States as well as their national honor have suffered so much, a result quite different was hoped from the negotiation of Mr. Jay. It is evident by the clause of the treaty limiting the protection of the American vessels to the territorial waters of England and to the sea bordering that country. Mr. Monroe is left to judge how far these concessions accord with the obligation contracted by the United States to defend our colonial possessions, and with the no less sacred duties imposed on them by the immense and invariable benefits which they draw from their commerce with them.

The Minister for Foreign Affairs.

PARIS, 10th Vendote, (March 3, 1796.)

14th year of the French republic, one and indivisible.

No. 146.

The Minister Plenipotentiary of the United States of America to the Minister of Foreign Affairs of the French Republic.

PARIS, 25th Vendote, (15th of March, 1796.) 4th year of the French republic, and 30th of the independence of the United States of America.

Citizen Minister:

I was lately honored with your note of the 19th of Vendote, (9th of March) objecting to several of the measures of our Government that have occurred in the course of the present war, and to which, I presume, I shall herein render you a satisfactory answer. For this purpose, I shall pursue, in reply, the order you have observed in stating your objections, the first, according to the laid aside, will be one of the subject of what merits. These objections are comprised under three distinct heads, a summary of which I will first expose, that my reply to each may be better understood.

1st. Your first complaint is, that we have failed to execute our treaties with you, and in the following respects: 1st.-By submitting to our tribunals the cognizance of prizes brought into our ports by your privateers. 2d. By admitting English vessels of war into our ports against the stipulation of the 17th article of our treaty of commerce, even after such vessels had taken prizes from you, and, in some cases, with their prizes. 3d. By omitting to execute the judicial clauses in the treaties, as means for carrying those clauses into effect, the first of which secures to your consuls within the United States the exclusive jurisdiction of all controversies between French citizens, and the second the right to pursue and recover all masters who desert from your vessels. 4th. By suffering, in the port of Philadelphia, the arrestation of the captain of the corvette Cassius for an act committed by him on the high seas, and which you say is contrary to the 19th article of the treaty of commerce, which stipulates "that the commandants of public and private vessels shall not be detained in any manner," and the rights of nations, which put such officers under the protection of their respective flags. And by likewise suffering the arrestation of that corvette, though armed at the Cape, upon the pretext that she was armed in the United States.

2d. Your second complaint states that an outrage which was made to this republic in the person of its minister, citizen Fauchet, by an English vessel (the Africa) in concert with an English consular, in arresting, within the jurisdiction of the United States, the packet boat in which he had embarked from all the tyrannical acts of the King of Great Britain, for which the consular of the United States and most insistent and least contested prerogatives of neutrality. This abandonment was committed on the 1st of August, 1793, (O. S.) the shop all the rest of the month blocked up the Medina frigate, belonging to the United States, and they kept her 20 days without the slightest provocation. For a new outrage on the United States by a menacing letter, the exequatur was withdrawn from the consul merely for having taken a part in the latter insult.

3d. Your third and last complaint applies to our late treaty with England, and which you say not only sacrifices in favor of that Power our treaties with France, but departs from that line of impartiality which, as a neutral nation, we have a right to observe. The principal objections are given of this charge in your note, and which I shall particularly notice when I come to reply to it.

This is a summary of your complaints, and to each of which I will now give a precise, and, I flatter myself, a satisfactory answer.

1. Of the inexecution of our treaties with this republic, and of the first example given of it, "the submission to our tribunals of the cognizance of prizes brought into our ports by your privateers."

Permit me, in reply to this charge, to ask whether you insist, as a general principle, that our tribunals are inhibited from exercising the right of cognizance of the validity of your prizes, in all cases, or are there exceptions to it? As a general principle, without exception, I cannot, I think, be insisted on, because examples may be given under it of possible cases, which prove it cannot be so construed and executed without an encroachment upon the inherent and unalienable rights of sovereignty in both nations, which neither intended to make, nor does the treaty warrant.
Suppose, for instance, a prize was taken within our jurisdiction, not upon the high sea, nor even at the entrance or mouth of any of those great rivers or bays which, as I formerly mentioned, are part of our continent, but on the ocean, on the high sea, of one of our cities, that is to say, within the jurisdiction of one of our cities, not over which our tribunals, or some other branch of our Government, have not to take cognizance. Do you conceive that the true import of the treaty imposes upon us, and likewise upon you in turn, the obligation thus to abandon a theatre of warfare in which you bear no part the interior of your own country? Can you, I ask you, take part in the contest and, when you have pos- ited that the privateer which took the prize, and led it into port, was fitted out within the United States, the act being unauthorized by treaty: could we tolerate this, and refuse the like liberty to the other nation at war, without departing from that line of neutrality we ought to observe, in accordance with which we have been secured by treaty? Do you think we can, and, if these are transcended, that the nation so acting makes itself a party to the war, and, in consequence, merits to be considered and treated as such. These examples prove that there are some exceptions to the general princi- ples, and perhaps others to the general principles to which we are to adhere in question, and that the System of treaties, which gives us no rule to which we are to adhere in the present case.

You will observe that I admit the principle, if a prize was taken upon the high sea, and by a privateer fitted out within the republic or its dominions, that, in such a case, our courts have no right to take cognizance of its validity: but is any case of this kind alleged? I presume none is, or can be alleged, for the basis of a treaty, in contravention of the 17th article of the treaty of commerce, we have admitted British vessels of war into our ports, even such as have taken prizes from you, and, in some cases, with their prizes. The article referred to stipulates the right of vessels of war and privateers to enter our ports with their prizes, and inhibits that right to foreign na- mes. It does not stipulate that the vessels of war belonging to your enemies shall not enter, but simply that they shall not enter with their prizes. This latter act is, I presume, therefore, the subject of your complaint. Here, it only stipulates that, in case such vessels enter your or our ports, proper measures shall be taken to compel them to deliver up the prizes, if any there be, to the right party, but that is not a case to which I cannot decide, as I know nothing about it. Our coast is extensive, our harbors numerous, and the distress of the weather may have forced them into us or may have entered wantonly, and in contempt of the authority of our Government. Many outrages have been committed on the high sea, and the vessel in question, and that is the act which gives rise to such complaints. But I cannot venture to affirm that no countenance was given by our Government to those vessels, whilst they were there, and that all suitable means were taken to compel them to retire, and without delay. You know we have no fleet, and that difficult it is without entering to execute a stipulation of this kind with that promptitude which your agents in our country, or useful to your cause, and faithful to your interest, might expect.

3. The third article under this head states that we have omitted to execute the consular convention in two of its most important clauses, the first of which secures to the consuls of each nation in the ports of the other the exclusive right of residence, and of living in each city, of which gives to the consuls a right to recover such mariners as desert from the vessels of their respective nations.

Upon the first point, the supposed incompetency of the law, provided, on our part, to execute the judgments of your consuls within our jurisdictions, I shall say, that the basis of this subject.-

And upon the second, which states that the judges charged by our law to issue war- rants for arresting such of your mariners as desert from their vessels, have latterly required, and against the spirit of the treaty, the presentation of the original registers of the vessels to which they belonged, as the ground whereon to decide whether the mariners were in the service of the nation, I have to observe, as laid by the law itself, that this has not been required, and that the copies spoken of in another part of the treaty, (the fifth article) obviously apply to other objects, and not to this. More fully, however, to explain to you the conduct of our Government upon this subject, permit me here to add an extract from our law, passed on the 14th of April, 1792, expressly to carry into effect the convention in question, and which applies to both cases. The three princes of the United States shall, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice consuls of France, in arresting and se- curing deserters from those vessels of war or privateers which sail under your ensign, in conformity with the said treaty. And, for that purpose, a copy of such convention, the consuls and vice consuls of France are entitled to the aid of the competent officers of the United States, to the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid, according to the tenor of the said convention. By this law you will find that our Government has, in no manner, attempted to frustrate or embarrass the execution of this treaty: on the contrary, that it was its intention to carry it into full effect, according to its true intent and meaning, and that it has done so, so far as it could be done by suitable legal provisions.

As, however, be regarded, be deemed a subject worthy consideration, whether the first of these clauses in that convention had not better be expunged from it. The principle of a foreign court, established within any country, with jurisdiction independent of that country, cannot well be reconciled with any correct idea of its sovereignty; nor can it exercise its functions properly, in harmony with the authorities of the country, and which naturally occur, to recover such mariners as desert from the vessels of their respective nations.

4. Your fourth and last example under this head, states that the captain of the corvette Cassius was arrested, in Philadelphia, for an act committed on the high sea, contrary, as you suggest, to the nineteenth article of the treaty of commerce, which stipulates that the owners and commanders of the said Cassius, and all the well known rights of nations, which put the officers of public vessels under the safe- guard of their respective flags, and that the said corvette was, likewise, seized, though armed at the Cape, upon the pretext that she was armed, some time before, in Philadelphia.

Conclusively, with the exceptions I have indicated, the officer of the law, whereof the captain was charged, I can, of course, give no explanation on that head. Satisfied, however, I am, that, if the crime was of a nature to authorize our courts to take cognizance of it, he would not be exempted from their jurisdiction by the article of the treaty in question, since that article, as you will perceive, was intended to establish a general principle in the case, because it gives no privilege to the ships of war of each, to enter and retire from the ports of the other, and not to secure, in favor of any particular delinquent, an immunity from crimes: nor, in my opinion, does the law of nations admit of a different construction, or give any other protection. I am happy, however, to hear
JAMES MONROE.

that he is released, since it furnishes an additional proof that the whole transaction was a judicial one, regular, according to the course of our law, and mingling nothing in it, in any view, that ought to give offence here.

The next is the 4th article of the said treaty; and in the context that the vessel armed in Philadelphia, I have only to say, that, if she was armed there, it was the duty of our Government to seize her; the right to arm not being stipulated by treaty; and, if that was alleged upon sufficient testimony, as I presume was the case, there was no other way of determining the question than by an examination into it, and, in the interim, preventing her sailing. It would have been a matter of some difficulty to examine her, particularly if a vessel of commerce; and, to this end, the decision was against her. On the contrary, such conduct would not only justly expose us to the charge of committing a breach of neutrality, but of, likewise, doing it conclusively.

2. Your second complaint states an outrage which was committed by a British frigate upon your minister, the citizen James Earle, as was also the case with a vessel of the United States, in hearing the packet in which he embarked, opening his trunks, &c., within the waters of the United States, and remaining there afterwards, to watch the movements of the frigate in which he sailed, and which, you say, was not resented as it ought to have been, by our Government, since you add, the outrage which was taken by it, in regard to that vessel and the consul, were the effect of another and subsequent outrage.

The outrage which was inflicted by our Government upon the parties who committed that outrage, by revolving the exequatur of the consul, and ordering that all supplies should be withheld from the frigate, as, likewise, that she should forthwith depart without the waters of the United States, was, I think you will admit, an adequate one for the offence. Certain it is, that, as we have no fleet, it was the only one in our power to inflict, and that this outrage was inflicted in consequence of that outrage. You will, I presume, likewise admit, after you have perused the act of the President upon that subject, a copy of which I herewith transmit to you, and by which you will perceive that there was, in truth, no distinct outrage offered to the United States, upon that occasion, by the parties in question, but that both the one and the other act (the attempt made upon the packet boat in which your minister had embarked, by the captain of a British frigate, and which constituted the first, and the writing of an insolent letter, by the same captain, to the Governor of Rhode Island, in concert with the British consul there, and which constituted the second) were only several incidents to the same transaction, forming, together, a single offence, and for which that outrage was inflicted on those parties.

I think proper here to add, as a further proof that the President was neither inattentive to what was due to your rights of commerce, nor to the relations between our United States, that he gave orders to our minister at London to complain formally to that Government of that outrage, and to demand of it such satisfaction upon the parties, as the nature of the insult required, and which has, doubtless, either been given, or is still expected.

3. Your third article, which is nothing but a protest against the treaty with France, and an intimation, that our relations with that Power, in favor of that Power, our connexion with France, and the rights of neutrality, the most common.

1st. In support of this charge you observe that we have not only departed from the principles of the armed neutrality adopted in the course of the last war, but have abandoned, in favor of England, the limits which the right of nations and our own treaties with all other Powers, and even England, in her treaties with many other Powers, have given to contraband.

2d. That we have also consented that provisions should be deemed contraband, not when destined to a blockaded port only, as should be the case, but in all cases, by tacitly acknowledging the pretensions of England to place at pleasure, and by proclaiming not only your islands, but even France herself, in that category.

The principles of the armed neutrality set on foot by the Empress of Russia, in harmony with the other neutral Powers, at the time you mention, and accorded to by all the Powers then at war against England, are extremely dear to me, and, in many respects, very important to our welfare. Whatever treaty we make with those Powers who are willing to adopt them, and our hope is, that they will soon become universal. But, even in the war of which you speak, and when the combination against England was most formidable, all the maritime Powers being arranged against her, you well know that she never acceded to them. How can I, then, on the present occasion, when that combination was not only broken, but many of the Powers, then parties to it against England, were now enlisted on her side, in support of her principles. You must be sensible that, under these circumstances, it was impossible for us to obtain from that Power the recognition of those principles, and that of course we are not culpable for having failed to accomplish that object.

I regret, also, that we did not succeed in obtaining a more liberal scale of contraband from that Power than was obtained: for, as our articles of exportation are chiefly articles of the first necessity, and always in great demand here, and every where else, it was equally an object of importance to us to enlarge the freedom of commerce in that respect. We are, likewise, in want of a navigation on the part of those neutral Powers, more to the use of which we are. But here, too, the same difficulty occurred that had in the preceding case, and it was in consequence deemed expedient, for the time, to relinquish a point we could not obtain, suffering the ancient law of nations to remain unchanged in any respect. It is urged that we have made any article contraband that was not so before the last war, and that England has the right to prevent us from so doing, because she has a right to daily seize when they fell in her way? This cannot be urged, because the fact is otherwise: for, although we have not annulled the law of nations in that respect, yet certainly we have not changed it for the worse, and which alone can be just cause of complaint.

With respect to the objection stated to a clause in the 18th article of the treaty with England, which presumes we are thereby prohibited bringing provisions from the United States to France, I have only to add that no such prohibition is to be found in it, or other stipulation which changes the law of nations in that respect; on the contrary, that article leaves the law of nations where it was before, authorizing the seizure in those cases only where such provisions are contraband by the "existing law of nations," and according to our construction when carrying to a blockaded port, and in which case payment is stipulated; but in no respect is the law of nations changed, or any right given to the British to seize, other than they had before, and such, I presume, you will agree is the true import of that article.

You will observe, by the article in question, that when our provisions, destined for a blockaded port, are seized, though subject by the law of nations to confiscation, they are, nevertheless, exempted from it, and the owners of such provisions entitled to their value. Surely this stipulation cannot tend to discourage my countrymen from adventuring with provisions into the ports of this republic, nor in any other respect prevent their enterprises. On the contrary, it was not probable that it would produce the opposite effect, since thereby the only penalty which could be inflicted under that article of the said treaty, in that case as above mentioned, was completely done away.

Thus, citizen minister, I have endeavored, according to the views of our Government, and the light I have upon the contrary, the objections you have stated against several of its measures, adopted in the course of the present war, and I hope to your satisfaction. That any occurrence should take place in the annals of the two republics, which garrison would have been, or that your countrymen, our since you mention it, have not since that time exposed to, a circumstance that cannot otherwise give pain to our Government and our people. That these, however, should be removed by a fair and candid examination of your complaints, on both sides, is the best consolation that such an occurrence can admit of. If, by my feeble efforts, I contribute in any degree to promote that end, and preserve these nations, whom it is my sacred trust always to assist, I accomplish an object the most grateful to my feelings that I can possibly accomplish.

 Permit me, in concluding this letter, to assure you of the great respect and esteem with which I am your obedient and very humble servant,
The special agents of the Executive Directory to the Windward Islands, considering that the laws, as well ancient as modern, forbid neutrals to carry to the enemy contraband or prohibited merchandises; considering that, notwithstanding the complaints of the minister plenipotentiary of the French republic to the United States of North America, of which he informed us by a letter of the 14th Messidor, those States, and particularly Virginia, have fitted out vessels laden with horses for the English;

Decease. That, from this day forward, all vessels loaded with merchandises, designated by the name of contraband, such as arms, instruments, munitions of war, of what kind soever, horses, and their furniture, shall be stopped, the vessels broken by force and provisions seized and confiscated, the persons of the captains,

At Basse Terre, Guadaloupe, 14th Thermidor, 4th year of the French republic, one and indivisible.

Signed on the Register,

VICTOR HUGUES and LEBAS.

Compared with the Register.

VAUCHELET, Secretary of the Agency.

The special agents of the Executive Directory to the Windward Islands, in conformity with the above decree, declare to be good prize the American vessel, the Lucy, Captain G. Gilliard, captured by the admiral of the republic, R. Basse Terre, Guadaloupe, the 22d Fructidor, 4th year of the French republic, one and indivisible.

VICTOR HUGUES.

LEBAS.

Sealed with the seal of the Agency.

VAUCHELET, Secretary of the Agency.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 22d Thermidor, (10th August, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir:

The neutrality of the United States, and the law of nations, have just been violated in the most serious manner. It is but too true that the English wished to take citizen Fauchet and his papers from on board one of your vessels, and in the waters of the United States. The letters from citizens Fauchet and Picchon, that of the consul at Newport, the affidavit of the passengers of the packet the Peggy, leave no doubt upon this wicked attempt.

I should not have spoken to you at all on the subject if the French republic had not been outraged. But you know, as well I do, sir, that a minister, on quitting his functions, does not, on that account, lose his privileges, or his rights; that he retains them until his return to the power by whom he was sent. His safety, his inviolability, are as much under the safeguard of the law of nations as those of a minister exercising his functions, and you owe him the same protection. Nations are agreed in this principle; it is mentioned by the authors who have written on the public law, and you will find it reported in Vattel, (§ 125, chap. 9, book 4, vol. 3, Amsterdam edition, 1775.)

The premeditated insult against the citizen Fauchet, therefore, is at once an injury against the United States and the French republic. I should betray my most sacred duty were I not bitterly to complain of it, and, in soliciting you to cause reparation to be made, I were not to pray you to take measures for preventing a similar outrage in future.

It were vain to seek to excuse those who have committed it. In vain would it be said that seamen were ignorant of the laws of nations. They were instruments made use of by men who could not be unequainted with those laws. The English vice consul, Moore, presided on board the Africa on the pillage of the American packet boat; and how could he justify this outrage of which modern Carthage can alone give an example?

Were such an infraction of the laws of nations passed over in silence, what safety should I then find here? Who would prevent the pirates of Great Britain from forcing my house in the night, from carrying me off in one of their vessels, and loading me with iron? What, then, would there be sacred among nations, if the character of a minister were long respected, and if a single nation could always trample every principle, all conventions, under foot, without exciting a murmur or complaint?

It would offend you, sir, were I longer to insist. The honor of your country, the respect you owe to its faithful ally, the attachment you bear to her, will speak much better than I can.

Accept, sir, &c.

P. A. ADET.

The Vice consul of the French republic at Newport Rhode Island to the Minister Plenipotentiary of the said republic near the United States of America.

NEWPORT RHODE ISLAND, the 16th Thermidor, 3d year of the French republic, one and indivisible.

The most formal violation of the territory of the United States, and the most serious insult, has been committed, and it was a functionary of the republic, citizen Fauchet, who was the object of it.

On Saturday last the packet boat Peggy, coming from New York, and on board of which the minister had embarked, was arrested at about two miles and a half from the light house, by the English ship Africa, lying at anchor, which obliged the captain of the packet to come within a few fathoms of her. The officers sent to visit, on coming on board asked for citizen Fauchet and his trunks, of which they knew the exact number; they were answered that the said citizen had landed at Stonington; they then asked to see his effects, and appeared as though they intended to seize his papers. It was easy to discover their disappointment, when the empty pasteboard cases were presented to them. The most indecent researches were made in the minister's trunks, and in those of citizens Bourmontville and Picchon; some papers belonging to the latter were transported on board of the ship, but were returned.

The design failed; it was citizen Fauchet and his papers that they wished; and by the most fortunate circumstances, he defeated the audacious act projected against him. I had fortunately been advised of the packet boat putting into Stonington, and heaven suggested to me the idea of notifying citizen Fauchet by express of the station of the ship. He was immediately furnished with his papers only, and thence came here by land.

Nothing proves better the fixed intentions of the English to take the citizen Fauchet and his papers than the conduct of the English consul on the same day: at daylight he went on board the Africa, and did not return until after it was ascertained that the project formed by him and his companions in depredation, had failed.

I immediately gave an account of this transaction to the Governor of Rhode Island by sending him a copy of the affidavit of the packet (affidavit du packet) of which I herein enclose another authentic copy, together with one
of my letters to the Governor of this State, that you may be enabled to make such application to the Government of the United States as you shall think proper. 

Health and fraternity.

L'ARCAMBAL.

True copy of the original.

P. A. ADET.

No. 152.

Be it known unto all whom it may concern, that on the day of the date hereof, before me, Christopher Ellery, public notary for the county of Newport, in the State of Rhode Island and Providence Plantations, in the United States of America, at Newport, in the State of Rhode Island, Peggy, of Newport, just arrived from New York, and Louis Andrew Pichon, former secretary of the legation of the French republic to the United States, passenger on board said sloop, together with T. A. Hoffer, citizen of Boston, and Captain Chahert, also passengers on board the said sloop, all of whom on their oaths declare, that yesterday, at three of the clock in the afternoon, being the 1st day of August instant, they were at the distance of two miles from the light-house in Narragansett Bay, in said sloop, bound to Newport; when, being opposite to the same, a British ship of war, the Africa, commanded by ———, fired a cannon-shot at the said sloop, as a signal to bring her to; that the sloop had then American colors flying; that the master aforesaid, obeying the signal, soon perceived two boats coming to the sloop from the said ship of war, which boats were manned by a part of the crew of said ship, and out of which came four or five officers of them appearing to be higher in command than the others, ordered the captain of the said sloop to go near to the ship, with which order he complied, and soon anchored astern of the said ship; that in the mean time the officers asked the said master of the sloop several questions, particularly as to whether he had any passengers on board; and when answering to this question in the affirmative, was told by them that they came on purpose to look for the late French minister, Mr. Fauchet, whom they knew to be on board with despatches. That the master and passengers then informed them that Mr. Fauchet had left the sloop in the morning at Stonington, where he had been detained two days by contrary winds, and that he had also that morning left Stonington aforesaid, on horseback, with his despatches and public papers, which were all taken out of paste bound boxes; as proof of the last assertion showing the said boxes empty, five in number; that Mr. Fauchet had really left the sloop, and had gone on overland as aforesaid; that the officers aforesaid, not satisfied with the answers given, said their orders were positive, and directed them to search all the trunks of the passengers, at which proceeding they hoped to see on board would be hurt, as their duty required the same; that they accordingly had all the trunks and boxes in the cabin opened, and, not finding any papers, then went into the hold, where, having ordered Mr. Fauchet's servant to open the trunks of his master, they had them emptied in presence of all the passengers, and out of one of the trunks they took a bundle of papers, which they gave to one of the officers in care, whilst the search went on for the other trunks; which they asked for two other trunks of Mr. Fauchet's, saying they had notice of four trunks shipped on board said sloop, and seeing several other trunks stowed about, they, the said officers, demanded the owners; that one of them belonged to Captain Chahert aforesaid, a gentleman engaged in commercial and seafaring business, was overhauled, and the papers, consisting chiefly of sea books or journals, examined and put aside, with a tin box containing some papers, with letters directed to different persons in France; that they then fell upon the trunk of Mr. Pichon, which, as they found heavy, they desired to have opened, the lieutenant as no one stopped forward with the key, to break the lock thereof; that Mr. Pichon then came forward, and opened the trunk which proved to be full of written papers, under clothes; these throwing out, they observed that it was the trunk of Mr. Fauchet's secretary, and that it contained such a quantity of papers was a sufficient reason for taking it on board the ship, for the inspection of the captain of the ship; that an officer then went on board the ship with such papers as he thought proper to show him, by which he might receive the directions of the commanding officer relative thereto, and relative to further proceedings; that this officer soon returned, and permitted the sloop to depart, saying that the main object being missed, no further detention was necessary, and returning the papers which he had taken on board the sloop; and that the two boats having left the sloop, after a detention of two hours, she came to sail, and arrived at Newport in the evening.

THO. W. BLISS.
LEWIS ANDREW PICHON.
T. A. HOFER.
CHABERT.

In testimony that the aforesaid declaration was made before me, the aforesaid public notary, and the said day set forth, and on the second day of August, in the year one thousand seven hundred and ninety-five, and the twentieth year of American independence, I have hereunto set my hand and notarial seal the day and year aforesaid.

CHRIST. ELLERY, Public Notary.

In testimony that the aforesaid is a true copy of the original declaration made and attested, as is therein set forth, I have hereunto set my hand and notarial seal the day and year therein named.

CHRIST. ELLERY, Public Notary.

Pour copie conforme.

P. A. ADET.

No. 153.

Copy of the letter from the Vice Consul of the French republic at Newport to the Governor of Rhode Island.

NEWPORT, RHODE ISLAND, 16th Thermidor.

3d year of the French republic, one and indivisible.

Sir:—
A multiplicity of business has prevented me from paying you my respects, and obliged me to present them to you by letter. I am sensibly affected, in commencing my official correspondence with your excellency on an affair of a disagreeable nature, which obliges me to claim immediately the protection of the United States in the following case.

I have the honor to lay before you the affidavit of Thomas Bliss, captain of the Peggy, on her way from New York to Newport, on board of which citizen Fauchet, minister of the French republic, was passenger. You will observe that this packet was arrested very near the land, in the waters of the United States, obliged by force of arms to come to Newport, which was attended and afterwards detained with an indecency carried so far as not to allow a coat of the minister to be exempt from the basest researches; and he probably owes his personal escape to the precaution he took of landing at Stonington.

The law of nations, the reciprocal respect of the two Governments, the sacred rights of territory and hospitality, have been violated in the most flagrant manner.

Permit me to address myself to your excellency, and to request you to take such measures as your justice and prudence shall dictate, for represening such odious infractions of the laws of nations, and to prevent the functionaries of a republic in friendship with the United States from being exposed to such humiliating insults.

I am, with respect, &c.

L'ARCAMBAL.

Copy of the original.

P. A. ADET.
FOREIGN RELATIONS. [1797.]

No. 154.

Joseph Fauchet to Citizen Adet, Minister Plenipotentiary of the French republic near the United States.

NEWPORT, 17th Thermidor, 3d year of the French republic, one and indivisible.

Citizen:

The vice consul at Newport transmits to you the affidavit of the passengers who were on board the packet boat Peggy, of Newport, which was stopped and examined by the English ship Africa, at the entrance of this port, and within two miles of the land. I do not make any reflection on this insult, which at once violates the law of nations and the neutrality of the United States. The facts themselves are sufficient to lead to a presumptive belief of your zeal will be rewarded on this occasion, which will appear unheard of by only those who are unacquainted with the history of the English. I shall express to you but one affecting sentiment, which is, that, in a free State, with a Government in which England has just acquired a friend, there is no safety for myself or my papers; for, in a war, the English have already proved in a neutral port, that I was to have been carried off, there is no reason why I should not be taken on the high way, or in an inn, if it could be done with impunity. Well thinking American will not grieve, my friend, at hearing that it was on the spot where French blood, for the first time, was shed for American independence, that the attempt was made to destroy my papers. As you have any details you will find them in a letter written to me by citizen Pichon, whom I had left on board the packet boat to inform me of events.

Receive the assurance, &c.

JH. FAUCHET.

P. S. The Africa has just anchored at Canonniucut ferry; she was driven in by stress of weather. Her late conduct gives her a great claim to the enjoyment of the most sacred hospitality of the Americans.

No. 155.

Mr. Pichon to Mr. Fauchet.

NEWPORT, 15th Thermidor, (2d August, 1795), 3d year of the French republic.

Citizen:

I cannot but felicitate you on the resolution you took yesterday, of setting off with your papers, from Stoning- ton, for this city, by land. The information you had received of the design formed by the English for intercepting the sloops on board of which you had embarked, and seizing you and your papers, is verified, I acknowledge, in a manner calculated to render me less confident in the apparent safety of our passage, and I have reason to repent not having followed you with citizen Bouronneville. This disaster, however, has happily cost me but a few moments of disquietude, and, moreover, given me an opportunity of seeing the proceedings of the English on this occasion, in all their magnificence, and the motives to their operation.

You have, doubtless, already heard, by public report, of the arrestation of the sloop Peggy, by the English ship Africa, in sight of the port of Newport. Immediately on my arrival in this city, I had the proper steps taken for obtaining, before a proper officer, the declaration of Captain Bliss, and of the passengers whom I could collect. I found I had been anticipated in this by Mr. Martin, commandant of the militia of this county. This officer had already taken measures for the same object, with the view of directly informing the General Government of what had taken place, according to the circular orders expedited by the President of the United States to the Executives of the different States. I thought it my duty, however, to take a copy of Captain Bliss's and the passengers' deposition, certified by a notary public, among the number of whom you will find my signature. I have the honor to send you this copy, which I took expressly to transmit to you.

The principal facts are established completely in the affidavit. I am sorry the dispersion of the passengers, who are already either scattered through the city, or set out for Providence and Boston, did not allow a greater number of signatures. However, the authenticity of the deposition will probably not be contested: if it should, the rest of the passengers, who are all citizens of Philadelphia, New York, and Boston, might still be called upon as evidence.

On my part, I have nothing very particular to add to this paper; I have, however, pursuant to your orders, carefully observed every thing that passed on this occasion, I shall report some circumstances which may be more particularly interesting to you.

The Africa's boats had some arms. The officers had their swords, and one or two pairs of pistols in the stern of each boat. This circumstance, added to the firing of a cannon at us, loaded with ball, and to our being observed, when near the vessel, several pieces pointed, sufficiently show the intention of the commander, if we had endeavored to avoid him, or to gain the land.

When the search in the cabin was finished, they went to the hold. They desired the captain to point out our effects. He answered that he did not know the passengers' baggage. I then advised your servant to deny his having the keys, in case they should ask him for them. However, on hearing the officers who commanded the party say that they would break open your trunks, and reflecting that resistance would only augment suspicion, I desired him to go down and open them. The two of which he had the keys were examined with the exactness of an excise officer endeavoring to discover contraband goods. The whole was overturned and ransacked. During this operation, it was mentioned that the papers were all they wanted, and, in a low tone of voice, they felicitated themselves at having found them. They took, from one of the trunks, a bundle of papers, which I supposed to be letters for individuals. These papers, finding nothing more, infirmared for two other trunks, observing it was known that Mr. Fauchet had embarked four trunks at New York. In the search for them, they met with a trunk belonging to citizen Chabert. They found his papers relative to his commanding the Argonaut, belonging to the India company, and also the ship called the Citizen of Marseilles. His journals, his charts, some signals, papers concerning his affairs, letters addressed to divers persons in France, all these appeared important to the officers, who judged in the gross, from the appearances, ignorant of the French language; the whole was thrown into a handkerchief, and set apart. They then came to my largest trunk. I had, hitherto, remained unknown. The owner was asked for. I kept a distance, until finding that they were going to break it open. I went down with the key, I supposed, into the trunk to prevent it. They took every bundle of papers, overturned the whole, without, however, being able to read any. I observed to these gentlemen, that, their avowed object being to seize dispatches, they should not so freely overturn papers which were neither sealed nor covered. They replied by several observations more or less reasonable, which showed that their ignorance of the French language was absolute, and ended their search with the remark, that such was the fortune of war. As you will observe in the affidavit how the scene terminated, I omit repeating it here.

I had decided to follow my papers on board the Africa, if they had taken them there, in order to assist so insolent an inspection. The only fear I had was that of being driven off, but I was not detected. I observed every precaution, which the search ended, that they were ashamed for having been so minute in it when they found that you had gone off with your papers.

I take the liberty to finish this letter by observing to you, that the English consul dined, on that day, on board the Africa, and was there during the detention of the packet boat. This circumstance characterizes the infraction of which you were to have been the victim; it bespeaks the intervention of a superior authority, who would in vain
mask himself under the ignorance of the public law among seafaring people, or, under the cloak of a mere feigned indignation. It is said that the English consul will explain this intervention fully.

Salut and fraternity.

PICHON.

True copy.

JH. FAUCHET.

True copy of the original.

P. A. ADET.

No. 156.

The Minister Plenipotentiary of the French republic near the United States to Mr. Randolph, Secretary of State of the United States.

PHILADELPHIA, 3d Protector, (18th August, 1795, O. S.)

3d year of the French republic, one and indivisible.

Sir: I informed you by my letter of the 10th August, (old style) of the insult committed by the English ship of war Africa on the neutrality of the United States and the law of nations. I requested from you a reparation proportioned to the outrage committed towards the republic of France on the person of my predecessor. I requested it in the name of justice, in the name of the friendship which unites our two countries; I had every reason to expect it. From what fatality it is, sir, that the captain of the Africa, whose injurious proceedings are known, still finds an asylum in the ports of the United States: insults by his menaces the authority of your country; and dares to claim the same advantages enjoyed by the French frigate Medusa at Newport, and preserves his station in the middle of the entrance of that port? He will, without doubt, not quit this station unless it be to pursue the frigate Medusa, notwithstanding the law of nations, and the proclamation of the President of the United States, which prohibit all vessels of war from going out of the ports of the United States, or from using them as a station in order to cruise against enemy vessels. Can the same design be imputed to the Africa, and are not the friendship which the United States bear to France, the respect due to their neutrality, the honor of their Government and their laws, equally interested in preventing the Africa from consummating the new attempt which she meditates, if not arrested, in your ports? Should she not be ordered to quit them? If not, of what value are the friendship and treaties which connect the people? What would you wish the French republic to think of the intentions of the Government of the United States, when, on the one hand, an English vessel exercising an open robbery in the waters of your States, enjoys an asylum, an hospitality, due only to friends? And, on the other, a French ship of war comes into your ports under the guarantee of the law of nations, of your neutrality, and of your treaties, is arrested and seized in contempt of these same treaties, when the law of nations, the honor of the United States, are unattended to by the English who insult them; and when our treaties are violated, for the purpose of satisfying the indiscriminate demand of a single individual.

That the new treaty connecting the United States with England cannot weaken ours, you have assured me, sir; you have told me that the intentions of the President were firm in this respect, and I have never doubted it. That treaty, you have always affirmed, cannot destroy the good dispositions of the American Government towards France: Are those dispositions and your promises ineffectual? I cannot believe it. I rather flatter myself that the present circumstances will convince me that I am not deceived, and that the republic will have a positive proof of that friendship of which it has so often received assurances. In this persuasion, I flatter myself that you will take the necessary measures in order to prevent the Africa from using your ports as a station whence to cruise on the French frigate Medusa. Referring, moreover, to my letters of the 9th, 11th, and 18th August (old style) I reiterate to you my application as to the corvette le Cassius, arrested in your ports in violation of our treaties, and I notify you that, if I do not speedily obtain justice, I shall abandon this vessel to the American Government, to its risk, reserving the right to future claim, and I shall refer the matter to my Government.

Accept, sir, &c.

P. A. ADET.

No. 157.

Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. Adet, Minister Plenipotentiary of the French republic.

DEPARTMENT OF STATE, September 5, 1795.

Sir: On the 25th ultimo I had the honor to inform you (in answer to your letter of the 19th) that the violation of the laws of nations by the British ship of war Africa, in the instance to which you referred, had engaged the attention of the Government of the United States; at the same time mentioning some circumstances which might have caused delays.

To maintain the character of fairness and impartiality with which the President desired that all the acts of his administration might be marked, he was willing to allow full time for any representations and explanations which Captain Home, the commander of the Africa, might think proper to make; that time has elapsed, and none have been received. On the contrary, some recent acts show that he has repeated his aggressions. The President has, therefore, now determined to pursue such measures as are in his power to vindicate the sovereignty and rights of the United States. And as a principal aggression was committed by Captain Home, in the attempt made to take your predecessor, Mr. Fauchet, and his papers, it is just that you should receive the information I am going to communicate.

Governor Fenner is desired to transmit to Captain Home the demand of the President of the United States, that he immediately remove from a station within their jurisdiction, where he has violated, and continues to violate, their rights. The Governor is also desired to make known to Captain Home that, after forty-eight hours from the time this requisition shall be communicated to him, all intercourse between the citizens of the United States and the ship under his command will be forbidden.

Further, a full statement of the conduct of that officer will be transmitted to the minister of the United States at London, to be laid before the British Government for the purpose of obtaining reparation.

I have the honor to be, &c.

TIMOTHY PICKERING.

No. 158.

Mr. Pickering to the Governor of Rhode Island.

DEPARTMENT OF STATE, September 5, 1795.

Sir: The President of the United States, ever desirous of manifesting the fairness and impartiality of his administration, was not in haste to decide upon the conduct of Captain Rodham Home, commander of the British ship of war Africa, for his violation of the sovereignty of the United States, as represented in the protest of Thomas Bliss, master of the sloop Peggy, sailing within the jurisdiction and under the flag of the United States; and for the menace
and insulting demands in his letter of the 31st of July, addressed to Thomas William Moore, Esq. His Britannic Majesty's vice consul in Rhode Island, and by him communicated to your excellency. Representations on this subject were made to His Britannic Majesty's minister, and since his departure, to his chargé des affaires, with an intimation of the President's intention to wait a reasonable time for the counter representation of Captain Home, and such explanations from him and Mr. Moore as they should think proper to offer. That time has elapsed, and no satisfactory explanations have been given; on the contrary, it appears that Captain Home is continuing his aggressions. The President has therefore decided on the measures which his duty requires him to take, to vindicate the sovereignty and rights of the United States. In pursuance of this determination, I am now to desire your excellency to communicate to the Governor of the State of Rhode Island a letter, dated the 31st of July, addressed to you by Captain Rodham Home, commander of the British ship of war Africa, the contents whereof you saw were highly indecent and unjustifiable: as unrestrained by the respect you owed the Government by whose permission you exercised your office, you have thus co-operated with Captain Home to the great injury of His Britannic Majesty, and enforced the President's judgment to be longer proper that you should be permitted to exercise the functions or powers of a vice consul within the United States. You will, therefore, receive enclosed a copy of the letters patent which have been issued for the revoking the exequatur, heretofore granted to you, and which will be made public.

I am, &c.

TIMOTHY PICKERING.

Mr. Pickering to Mr. Thomas William Moore.

No. 159.

Mr. Pickering to Mr. Thomas William Moore.

DEPARTMENT OF STATE, September 5, 1795.

Sir: I have the honor to enclose an act of the President, by which he has revoked the exequatur formerly given to Mr. Moore as vice consul at Rhode Island, and to request your excellency to cause the same to be published.

I am, sir, &c.

TIMOTHY PICKERING.

No. 160.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all whom it may concern.

Thomas William Moore, Esquire, having heretofore produced to me his commission as vice consul of His Britannic Majesty, within the State of Rhode Island, and having thereon received from me an exequatur, bearing date the 5th day of December, 1793, recognizing him as such, and declaring him free to exercise, within the said State, such functions and powers as may be given or permitted, by the laws of the land, to the consuls of nations, between whom and the United States no treaty or convention exists for permitting specific powers and functions to be exercised by their consuls reciprocally: And the said Thomas William Moore having, on the second day of August, 1795, transmitted to the Governor of the State of Rhode Island a letter, dated the 31st of July, 1795, addressed to him, the said Thomas William Moore, and written by Captain Rodham Home, commander of the British ship of war Africa, and then lying at or near the port of Newport, in said State; which said letter is conceived in terms of menace and insult against the authority of the United States: And the said Thomas William Moore having participated in the commission of the said menace and insult, by transmitting the letter as aforesaid, and having perfect knowledge of its contents: And it being no longer proper, and consistent with the laws of the land, due to the President, by and according to the authority of the United States, that the said Thomas William Moore should continue to exercise any of the functions or powers heretofore allowed, in virtue of his said commission as vice consul: These are, therefore, to declare, that I do no longer recognize the said Thomas William Moore as vice consul of His Britannic Majesty in any part of those United States, nor permit him to exercise any of the functions or powers heretofore granted; and I do hereby wholly revoke the said exequatur heretofore given, and do declare the same to be absolutely void from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed. Done at the city of Philadelphia, the fifth day of September, one thousand seven hundred and ninety-five, and of the independence of the United States of America the twentieth.

By the President's command:

TIMOTHY PICKERING.

Mr. Pickering to Mr. Monroe.

No. 161.

DEPARTMENT OF STATE, September 14, 1795.

Sir: Before this letter reaches you, unofficial information will probably get to hand of the outrage committed by the British man of war the Africa, commanded by Captain Rodham Home, in his attempt to take Mr. Fauchet and his papers, on his passage from New York down the sound to Newport, where he was to embark for France in the frigate Medusa. The station taken by the Africa, in the waters of the State of Rhode Island, seems to have suggested to the people at Newport the idea that she intended to intercept Mr. Fauchet. An express was, therefore, sent to Stonington in Connecticut, where the sloop, in which Mr. Fauchet had embarked, was detained by contrary winds, to warn him of his danger. He then quitted the sloop, and taking his valuable papers with him, pursued his journey by land.

Captain Home made the expected attempt. The sloop was brought to, and two officers of the Africa went on board to search for Mr. Fauchet, or his papers, or both—Captain Home, it seems, said the object was to take his papers only; and, accordingly, finding that those of value had been landed with Mr. Fauchet, the rest were returned unopened. The particulars of this action are stated in the deposition of Thomas Bliss, the master of the packet in which Mr. Fauchet had embarked, of which a copy is enclosed. You will also find enclosed the copy of
an insinuating letter from Captain Home for the Governor of Rhode Island, to be conveyed through the British vice 

Dr. Francis, Mr. Moore, who was so indiscriminate, and so little respected the dignity of our Government, as to send the Governor a copy of it.

The evidences of the outrage and insulting conduct of Captain Home, with the cooperation of Mr. Moore, were communicated to the British minister and chargé des affaires, and the expectations of Government of repairation announced. For this purpose, and to give opportunity for counter-representations and explanations, time was necessary. Thereupon a letter was given: for justice as well as prudence required an observation of the maxim, "Audire alteram partem."

After a reasonable time had elapsed, and no satisfactory explanations or counter proofs being offered, the President decided that the matter must be taken. These you will find in the before-mentioned letter to Governor Fenner. Besides which, the minister of the United States in London is charged "fully to represent these outrages of Captain Home, and to press for such repairation as the nature of the case authorizes the President to demand. What this should be, it was not necessary to specify. The President relies that His Britannic Majesty will duly estimate the injuries and insults proved to have been committed by Captain Home against the United States, and inflict upon him exemplary punishment as his aggravated offenses deserve; as the violated rights of a sovereign State require: and as it will become the justice and honor of His Majesty's Government to impose." The letter before-mentioned to Governor Fenner was sent from Philadelphia, by the post, on Saturday the 5th instant, when it bears date. On the Monday following, intelligence was received that the Medusa had sailed on the 5th, and that the Africa, in two or three hours afterwards, got under way to pursue her. I am particular in stating the days when the President's orders to Governor Fenner were despatched, and when the first information reached Philadelphia that the Medusa had sailed, because it is not improbable that the suspension of those orders may be represented as calculated to be ineffectual; and it may be suggested that they were not issued finally until it was known that the Africa had left the waters of Rhode Island. But the facts are as I have stated them; and the true and only causes of the suspension are those which I have mentioned, and which you will see in the letter to Governor Moos. The circumstances, in respect to wind and weather, under which the Medusa sailed, joined with her swift sailing, enabled her to escape from the Africa, which has since returned to her former station at Rhode Island. The President's orders, prohibiting all intercourse with her, will now come into operation; and for her additional violation of the rights of a neutral nation, in immediately pursuing the Medusa, a new demand of satisfaction will be made on the British Government. A naval force to compel a due respect to our rights on the water you know we do not possess.

I have the pleasure to inform you that peace with all the Indians on our frontiers is at length accomplished. Georgia and the Southwestern territory have, for some months past, enjoyed tranquillity; and the most prejudiced against the Creeks believe their pacification sincere. On the third of August, General Wayne concluded a treaty with all the Western Indians. This fact is declared in a letter of that date from the Quartermaster General at head quarters, to his deputy, Major Craig, at Pittsburgh. So I rely upon it. I suppose General Wayne must have sent off the official account with the treaty by one of his aids, whose arrival I daily expect. The Island has been taken of Presqu' Isle, where some works are now erecting, for the protection of the inhabitants, and the security of the garrison.

But for the vexations on our commerce by the belligerent Powers, (for they are not confined to the British) we should enjoy perfect repose, amidst unexampled prosperity.

I am, very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 162.

NEWPORT, August 9, 1795.

Sir: The following is a copy of a letter received from Captain Home, of His Britannic Majesty's ship Africa, which I take the most early opportunity of forwarding to your excellency.

I have the honor to be, &c.

THOMAS WILLIAM MOORE.

His Excellency Arthur Fenner, Esq.
Governor and commander-in-chief of the State of Rhode Island, &c. Providence.

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No. 163.

AFRICA, OFF RHODE ISLAND, July 31, 1795.

Sir: I did expect to have the pleasure of seeing you on board the Africa, but as that is not the case, I am obliged to send an officer to you, under the present circumstances, and to desire that you will lay my letter before the Governor, or other chief magistrate of this island, which is to contain these several requests.

First, that they may be delivered up to me, immediately, an officer who was taken out of a British ship, while in Newport, and confined on board the French frigate now in Rhode Island; this violent proceeding being contrary to the law of all nations in a neutral port. In the second place, that you may receive the aid of the civil power in this Island, to send on board the Africa all British seamen, and others, who have been captured in any vessels, and set at liberty in these States; not a leagued and pretended aid, but such as our nation have a right to expect from the United States, with whom we are at peace and amity. And, thirdly, that I may be permitted to buy such refreshments as my ship's company are in need of; and that, in case I send my own boats on shore, my people and officers shall not be liable to insult from any of the inhabitants, or other, of whatever description, and to represent a copy of it to the Governor; that my officers, who carries this, or any other officer who I have mentioned, guilty of such a breach of neutrality, I will then look upon myself, in the same manner, as not bound to observe the neutrality of these parts; and that I am resolved to be treated in the same manner, in all respects whatever, as they do those of the French republic; and I am more plain in the nature of my present demands, as I have received a hint, that, if I send my people on shore, they will be considered as such; and in this case I want to spy nothing. I am in full possession of every intelligence, regarding that ship, which I want to be possessed of. And I require a written answer from the Governor of Rhode Island to these demands, and that without loss of time.

I am, sir, &c.

RODHAM HOME.

To Thomas Wm. Moore, Esq.
His Brit. Maj. Vice Consul, Rhode Island.

State of Rhode Island, &c.

The preceding contains a true copy of an original letter from Thomas Wm. Moore, and of a copy of Rodham Home's letter to him accompanying it, duly compared.

Witness,

HENRY WARD, Secretary.
You have been nominated as the successor of Mr. Gouverneur Morris, in the office of minister plenipotentiary of the United States of America to the republic of France, from a confidence that, while you keep steadily in view the necessity of rendering yourself acceptable to that Government, you will maintain the self respect due to our own. In doing the one and the other of your prudence and understanding must be the guides after first possessing a just and real sentiment of the unalterable connection of your nation.

The President has been an early and decided friend of the French Revolution; and whatever reason there may have been, under our ignorance of facts and policy, to suspend an opinion upon some of its important transactions, you will find it to be the wish of the French Republic to be made acquainted with the leading events in your country, to be made acquainted with the leading events in your country, and to be guided by every opportunity to the best and most just plans. Notwithstanding the accidental appearance of any new order of things to this day, and the fluctuation and mutual destruction of parties, forbid a minister of a foreign country to attach himself to any as such, and dictate to him not to incline to any set of men, further than they appear to go with the sense of the nation.

When the executive provisional council recalled Mr. Genet, they expressed a determination to render it a matter of eclat, as you have seen, and at the same time disavowed all his offensive acts. Nothing having been forwarded to us, relative to Mr. Morris, which requires a disavowal, you will, if you should be interrogated as to any particular feeling of the president or provisional council, or any impression from the Secretary of State to Mr. Fauchet, as explainatory of the President's promptness to comply with their demand.

From Mr. Genet and Fauchet we have uniformly learned, that France did not desire us to depart from neutrality; and it would have been unwise to have asked us to do otherwise: for our ports are open to her prizes, while they are shut to the other nations. Great Britain and Spain, as great powers in commerce, were at war, as they can even now, notwithstanding the British instructions; and as they may be, if the demands to be made upon Great Britain should succeed. We have, therefore, pursued neutrality with faithfulness; we have paid it dear. It did not, therefore, to us, that the minister has asserted his country should have been paid more, if the state of our affairs did not require us to be prepared with funds for the payment of our foreign war. It is equally true, to what we have called a moderate course of conduct in future; and to remove all jealousy with respect to Mr. Jay's mission to London, you may say, that he is positively forbidden to weaken the engagements between this country and France. It is not in his power to be the single judge of this head, suspicions of various kinds. But you may declare the motives of that mission to be, to obtain immediate compensation for our plundered property, and restitution of the posts. You may intimate, by way of argument, but without ascribing it to the Government, that, if war should be necessary, the effects of the people of the United States towards it, would be better secured by a manifestation that everything should be taken to avoid it and that the British nation would be divided, when they found that we had been forced into it. This may be briefly touched upon as the path of prudence with respect to ourselves; and also with respect to France, since we are unable to give her aids of men or money. To this matter you cannot be too advertent. It is a subject of public repulsion with us, as it is a public impeachment of the most distant intention to sacrifice our connection with France to any other union with England. The approbation or the censure of the President to have it signified abroad that he is averse to admit into his public room, which is free to tall the world besides, any Frenchmen who are obnoxious to the French republic; although, perhaps, it may again happen sometimes, as many go thither, whose name is unknown.

It is very probable that our country will become the asylum for most of the French who expatriate themselves from their native land. Our laws have never yet made a distinction of persons, nor is such a distinction very easy. Hence some of those who are perhaps attainted in France, have thrown themselves upon the protection of the United States. It must be, at any rate, to them, a matter of concurrence to be misinterpreted into any estrangement from the French cause. You will explain this, whenever it shall be necessary.

If we judge from what has been at different times uttered by Mr. Fauchet, he will represent the existence of truths that are so clear and undeniable, that it is a matter of contempt to each other. One republican, and friendly to the French revolution; the other, monarchical, aristocratic, Britannic, and anti-Gallican: that a majority of the House of Representatives, the people, and the President, are in the first class; and a majority of the Senate in the second. If this intelligence should be used, in order to inspire a distrust of our good will to France, you will industriously obviate such an effect: and if a false and public representation should, in any manner, be made, that what is desired by France, will be by a plain and candid application to the Government, and not by those insidious operations, which will keep the people, which Genet endeavored to carry on.

We will communicate to you the information which we possess of France, before and in the early stages of the Revolution, must be consideribly changed at this day. You will, therefore, transmit to us, as soon as possible, an account of the navy, the agriculture, and the commerce of France. It is desirable, too, to know upon what footing religion really stands. These, however, are general objects. But we are particularly concerned to understand the true state of the different sects of politicians. Are there any of the old friends to the ancient régime remaining? Are any new friends created by the course of things? Are the Bissontines extinguished? Are the Dantonists overwhelmed? Is Robespierre's party firmly fixed? Is he capable, from talents and personal fortitude, to direct the storm? Is his character free from imputation, as to money? Is he friendly to the United States? How is the executive power administered now? What is the authority of the other branches? How is it ascertained and sanctioned by them? We have had twelve commissions of administration, which have been lately established, bear to that committees? What is the true cause of the various changes, which have lately taken place, by one party rising upon the ruins of another? What alteration is to be in the state, the relations of things, so long maintaining the same, not knowing what is the issue?

For without doubting the solidity of the French cause, we ought not to be unprepared for any event. If, therefore, any very momentous turn should arise in French affairs, upon which the conduct of our Government may depend, you need not hesitate at the expense of an advice boat, if to no other satisfactory object. But it must be in the name of the United States; and it must be done for purposes of the public safety, and the preservation of the transactions of it, and embrace every proper conveyance, by duplicates, and, in great cases, even by triplicates.

Should you be interrogated about the treaty of commerce, you may reply that it has never been proposed to us by Mr. Jay. To all other things else concerning it, you will express yourself not to be instructed, and under a subject to be negotiated with the Government here.

In like manner, if a treaty of alliance, or if the execution of the guarantee of the French Islands, by force of arms, should be proposed, you will refer the republic of France to this side of the water. In short, you are expected, with a care reverence on your discretion, that you will not commit the United States, by any specific declaration, except where you are particularly instructed, and except too in giving testimony of our attachment to their cause.

There is reason to believe that the embargo, when it was first laid, excited some uneasy sensations in the breast of the French minister. For it so happened that, at the moment before its operation, pretty considerable shipments
of flour were made to the British West Indies, and a snow, called La Camille, laden with flour, for France, was arrested near Newcastle, on the Delaware, after she had quitted the port of Philadelphia. But you know enough of the history of this business to declare that the embargo was leveled against Great Britain, and was made general merely because, if it had been partial against her, it would have amounted to a cause of war and, also, that it was not continued for any other cause than to be injurious to France. My letters to Mr. Fauchet will explain the case of La Camille, and all his complaints about the embargo.

Should our embargo be brought up, the way will be easy for our complaint against the embargo of Bordeaux. At any rate, you will reprove against it, and urge satisfaction for the sufferers. You will receive all the papers which have come into the Department of State relative to those matters; and you will, besides, open a correspondence with the captains and persons interested at Bordeaux, in order to obtain more accurate information.

But you will go farther, and insist upon compensation for the captures and spoliations of our property, and injuries to our persons and districts, by French cruisers. Mr. Fauchet has been applied to, and promises to co-operate for the obtaining of satisfaction.

The dilatoriness with which business is transacted in France will, if not curtailed in the adjustment of these cases, produce influences toward our Ministers which must be firmly repulsed by the French Republic; and you may be sure that the intimation of how unfortunate it would be if so respectable a body as the British merchants should relax in their zeal for the French cause, from irritation at their losses. The papers on this head are a statement of French cases, Mr. Fauchet's letters to me, and the documents themselves.

We know the extreme distress in which the inhabitants of St. Domingo came either, after the disasters of the Cape. Private charity, and especially at Baltimore, most liberally contributed to their support. The Congress at length advanced fifteen thousand dollars, with a view of reimbursement from France. This subject has been broken to Mr. Fauchet here, and he appears to have been roused at the idea of supporting, by French money, French aristocrats and democrats indiscriminately. Both he and his nation ought to be satisfied that, in cause of humanity, oppressed by poverty, political opinions have nothing to do. Add to this, that none but the really indigent receive a farthing. It was the duty of the French republic to relieve their colonists laboring under a penury so produced; and it would have been a far more salutary plan than the wholesale distribution of money; and will not be deemed an offensive disposal of French money that we now make a claim for repayment. If Mr. Fauchet has heard of a subject upon the other, an attempt will be made for a settlement with him here; but that being very doubtful, it will forward the retribution by discussing it in Europe.

The paper charged with the squandering of several American citizens for bills of exchange drawn in the French West Indies on France. The report of a committee of them, Mr. Fauchet's letter, and the vouchers, which you will carry, leave no doubt of your success. But if there should be any difficulty, do not fail to communicate it to the Secretary of State instantaneously. You have, therefore, the affair is entered upon, the better.

It is important that no public character of the United States should be in France under any imputation. You will inquire into the consuls, and inform how they are approved, and whether they are deserving. Although the President will avoid, as much as possible to appoint any obnoxious person, consul, it may happen otherwise, and must be considered as accidental. Mr. Alexander Duvernay goes for Paris in the quality of vice consul, and Mr. Fauchet said that he had nothing to object to him.

Consulates are established in every port of France where they are conceived useful. But perhaps you may find it advisable to mark out some other places for such offices.

It is recommended that no business of consequence be carried on verbally, or in writing, but in your own language.

The minister of each nation has a right to use his national tongue, and few men can confide in their exactness when they do business in a foreign one. But great care is necessary in the choice of interpreters when they are to be resorted to.

It is a practice of great utility to note down every conversation of consequence which you hold, immediately after retirement; and the Executive will expect to receive copies of what shall be thus written.

A communication with our other ministers in Europe, under proper caution, may be advantageous.

Let nothing depend upon verbal communication which can be carried on in writing.

To conclude. You go, sir, to France, to strengthen our friendship with that country; and you are well acquainted with the line of freedom and ease to which you may advance without betraying the dignity of the United States. You will, by the present and subsequent betraying the hands of France, the most indigent citizens; the heavy tax which these unhappy fugitives have been upon us, and the impossibility of seeing them starve in our country, no other operation than to narrow his objection to the disbursements of the Congress, as well as denouncing the policy which we are adopting, in order to bring this article immediately into view; and as it is short in principle so will it be sufficient for us to obtain a short decree, that such parts of the fifteen thousand dollars as may have been expended upon the succor of the indigent inhabitants of St. Domingo, who took refuge here after the disasters of the Cape, be credited to the United States in the account of France with the French government.

We have heard, with regret, that several of our citizens have been thrown into prison in France, from a suspicion of criminal attacks against the Government. If they are guilty, we are extremely sorry for it; for innocent. The President, the Congress, and every friend of the United States, without delay, collect information of every American citizen under confinement, and of his case; and whatsoever ought aw to be promptly and decisively; taking care to see that your path is clear, and affording no pretext for being charged with demands against the law of nations. Among these persons are Archibald Hunter, and Shubael Allen; concerning the former, I am under the impression that he relates are serious and important, and it is wished you lose no time in having all things rectified and compensated, as to past instances, and to prevent a repetition of future.

The enclosed letter, from one Binard, of Brest, speaks of his having been appointed vice consul of the United States there, by Mr. Barrall Carnes, our late consul at Nantes. In this he is mistaken, as Mr. Carnes had no right...
to appoint a vice consul under himself, and probably went no further than to constitute him an agent, as consuls may lawfully do. Mr. Dobrae, having succeeded Mr. Carnes, will probably take similar measures with respect to an agent; but it is desirable that you should immediately examine this matter well, and cause to be done what shall appear necessary to effectual redress.

If a vice consul should appear to be really necessary, you will inform me by the first opportunity.

Mr. G. Morris having recommended Mr. Francis Coffyn to be our consul at Dunkirk, a temporary commission is sent to him, and will be submitted to the Senate for renewal unless, from a view of all circumstances relative to his situation, (he being understood to be in some case or other) you should think it improper that he should be employed in the service of the United States.

Mr. G. Morris will have probably communicated to you the steps which he has lately taken to accomplish a peace with Algiers, and the liberation of our fellow citizens in captivity. But, lest he may have accidentally omitted to communicate a letter of intention to a certain candidate for one of the other foreign powers upon this head, and is not minute in that letter, as to the instructions which he has given, we are left to conjecture what course has been pursued. You will, therefore, inform the proper authority that the President, with the approbation of the Senate and House of Representatives, will be disposed to at least a renewal of the treaty between the United States and Algiers; not doubting, at the same time, that it must prove beneficial to the supplies of France from hence; that the powers derived from Mr. Morris to the agent who was to accompany, on our part, the French commissioner, though they are, as yet, unknown to us, have, no doubt, been judicious, and the acts, in conformity with those powers, will be found to aim strongly at the benefit of the United States; and that these powers will be of a long duration, having been committed to this business, possesses a full knowledge of our views and our means, and has been particularly visitor in our attempts for peace with Algiers; that he will, if he should think it necessary, instruct the agent appointed by Mr. Morris to that effect the auspices of the French republic will be continued to the efforts under the guidance of Colonel Humphreys; and that, as an evidence of our confidence in the French Government, you are empowered, if you conceive it to be advisable, to impart the terms upon which we expect to buy peace; but the circumstances and consequences of such communication are to be well weighed before it be made.

The cases of spoliation and vexation from the French cruisers on our trade, I again most earnestly recommend to your anxious attention. Mr. Fauchet has promised to forward a recommendation of them to his Government. You will do well to press the principle without delay; and if doubts are entertained as to facts, put the subjects into a true light by early decision, especially since French policy will surely inflict them upon their citizens; and that we have greatly suffered by their plunderings, the papers accompanying this letter, if they be true, manifest. We are no less disturbed at the conduct concerning the embargo at Brest. If the account brought has been truly, by one of the captains who were detained, he gives the principle of compensation being due to us only. You are, therefore, again charged to make this also your special and immediate business; and to press the rights of our citizens in a manner which indicates that we cannot waive the justice due to us. In short, sir, it is the express instruction of the President that you diligently inquire into every inconvenience to which our trade has been subjected, and to penetrate strongly upon them, and to represent to the facts to us fully and minutely. Had not Mr. Morris so strenuously pressed the affair of the ship Laurens of Charleston, which is committed to your care, I would here repeat all the circumstances. But these may be obtained as well from Mr. Morris as from the French archives. The decrees upon which the conduct of the French republic was founded, in this case, which I note particularly, on account of these decrees, have also been denounced against by Mr. Morris; and I question whether much matter can be added to his observations. But such of these decrees as tend to the condemnation of the Laurens are gross violations of our rights. You, no doubt, will have resumed this subject immediately on your arrival, and you will have the pleasure of being able to report to him, and to me, that this day to weaken the friendship between the two countries. As you carried with you a statement from this Department relative to the spoliations of our trade, and copies of Mr. Fauchet's letters respecting them, I do not repeat here. But these will assist you in the demands which you are to make on the French Government.

I am, &c.

EDM. RANDOLPH, Secretary of State.

Paris, November 11, 1794.

Mr. Monroe to the Secretary of State.

Sir: On the 31st ultimo I arrived at Havre, and, on the 2d instant, at this place. Mr. Morris was, upon my arrival, from town, but he came in as soon as advised of it. By him I was presented to the commissary of foreign affairs, who assured me that, as soon as the form of my reception should be settled, he would apprise me of it, but that he had not as yet been called from the latter; that as a consequence of this, Mr. Morris had given me his account of the late convention of Robespierre, as from the necessity of making some general regulation in that respect, it being the first instance in which a minister had been addressed to the republic. I assured him I should want no pleasure, and that I was eager to speak to him, and desire him, by this means, to strengthen the friendship between the two countries. As you carried with you a statement from this Department relative to the spoliations of our trade, and copies of Mr. Fauchet's letters respecting them, I do not repeat here. But these will assist you in the demands which you are to make on the French Government.

I am, &c.

Mr. Monroe to the Secretary of State.
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sion are, perhaps, without parallel in the annals of history. It is generally conceded that, for some months before his fall, the list of prisoners was shown him, every evening, by the president of the revolutionary tribunal, and that he marked those who were to be the victims of the succeeding day, which, under the joint influence of sixteen hours of sleep, of a true suspicion, and upon the imputation of conspiracies, &c., but for the sole reason that some members had been more friendly to Brissot, Danton, &c., and had expressed a jealousy of his power. His oppression had, in fact, gained to such a height that a convulsion became every day more and more probable. The Directory acknowledged and feared the danger. Some make him the active party, and believe that he had arranged with the commune and the guards of the city the plan of a general massacre of his enemies in the Convention. But I am of opinion that these projects, for they were certainly contemplated, proceeded from despair, and were adopted at the moment only as the means of rescue, which was therefore the most effectual plan that could be adopted. He had been intimated, some days before, by him or St. Just, that other conspiracies threatened the safety of the republic, and which ought to be laid open. The communication was given in such a manner as to satisfy the audience that it meant Tallien and some other members of the house, in, in, in the expression or the expectation of a denunciation of these members. If the power of Robespierre remained, it was well known that death and denunciation went hand in hand. To repel it by a counter one was the only remaining hope. It could, in no event, produce a worse effect. Tallien, therefore, rose, and in the same tone of invective intimated in his name the agitation of the people, the necessity of popular force, &c., &c. "Tis time to draw the veil from perfidy so flagrant." St. Just was silenced, and driven from the tribune. Robes- pierre ascended, and made many efforts to speak, in vain. The whole Convention rose, and cried out, with one voice, "Down with the tyrant!" He stood like one amazed and stopped, staring at the Convention, which seemed entirely to have been taken aback, and remained silent. Did he think to engage in a contest of oratory? But, instead of his station in the tribune, heretofore the theatre of his power, and began to harangue the people, and he was interrupted. They began to harangue the people, and in the character of general, was busied in assembling the guards in the place before the hall of the Convention, with intention to fire on it. There was, at this moment, an awful pause which seemed to indicate that the people was greatly alarmed. The situation of the Convention was truly interesting. They knew that all the appointments were conferred by Robes- pierre, that he had been long deputed a patriot, and still possessed, by means of affection or terror, a wonderful influence over the citizens at large; and, more immediately in their presence, those who had been, not uniformly, but in many cases, his accomplices. It was an occasion. On the contrary, it displayed a degree of fortitude and magnanimity worthy of those who aspire to the exalted character of defenders of their country. It calmly entered upon the subject of defence; declared Robes- pierre had wasted the public money over the proceedings; had placed the council of the guard, and sent deputies to the sections to admonish them of their danger, and warn them to stand at their posts in defence of their country. A moment's reflection settled the public mind. The people beheld, on the one hand, the Convention laboring to save the republic, and, on the other, Robespierre and his associates in open rebellion against the law. They had formed any plan of permanent establishment for himself, or been permitted, in so many, to be, no person ever raised himself to power, and by his efforts to promote it; but, it is not probable he had such a scheme; and that it was not promised, must be obvious to those who take into view all the circumstances which merit consideration. It will be observed, by those who wish to form a just estimate of the future course and fortune of this revolution, that, from its commencement to the present time, no person ever raised himself to power; by the proof he had furnished of his attachment to the cause, by his efforts to promote it; and, that, from the moment doubts were entertained of the solidity and purity of his principles, it had his influence begin to decline in equal degree. This was seen in the instances of Lariboisiere, &c., whom, though they were admirable generals, were abandoned by the armies they commanded; the former compelled to seek refuge in a foreign country, and the latter in the camp of the enemy; and the others, though eminent in the civil department, were, upon like charges, condemned by the public voice to the same fate that Robespierre. Some people has been observed to say, that Robespierre was too ingenious to Robespierre and his associates were taken at the same time to prison, and, on the next day, to execution, amidst the rejoicing and acclamation of the people.

Many believe that Robespierre aimed at despotic power, and sought to establish himself upon the throne of the Constitution, in the person of protector, or some such character; and, in pursuit of this idea, say, that he counted upon the support of the armies, and particularly the army of the north, and had otherwise arranged things in such order as to favor the project. What his views of ambition and carnage were, I know not; that they had been great was beyond a doubt. I saw the evidence in his former pronouncements, his speech at St. Just, and his upbraiding of the public for not contributing to his support. If he had not propos- it is not probable he had such a scheme; and that it was not promised, must be obvious to those who take into view all the circumstances which merit consideration. It will be observed, by those who wish to form a just estimate of the future course and fortune of this revolution, that, from its commencement to the present time, no person ever raised himself to power, and by the proof he had furnished of his attachment to the cause, by his efforts to promote it; and, that, from the moment doubts were entertained of the solidity and purity of his principles, it had his influence begin to decline in equal degree. This was seen in the instances of Lariboisiere, &c., whom, though they were admirable generals, were abandoned by the armies they commanded; the former compelled to seek refuge in a foreign country, and the latter in the camp of the enemy; and the others, though eminent in the civil department, were, upon like charges, condemned by the public voice to the same fate that Robespierre. Some people has been observed to say, that Robespierre was too ingenious to Robespierre and his associates were taken at the same time to prison, and, on the next day, to execution, amidst the rejoicing and acclamation of the people.

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triviality, that liberty it has so nobly contended for, or will it not rather turn its victorious arms against the bosom of its country? These great and important questions, and in which my short time and space will not permit me give satisfactory answers. Hereafter I shall be able to give you better information in these respects.

At present I can only observe, that I have neither seen nor heard of any symptom of discontent showing itself among the people at large. The oppression of Robespierre had indeed created an uneasiness, but which disappeared with the man. The people never saw in the countenances of men more apparent content with its condition, or more willing to reap and secure it; but the women, the boys, and the girls, even to tender age, have supplied their places. I saw this with amazement upon my route from Havre to this place, and am told it is generally the case. The victories of the revolutionary armies excited and were celebrated with joy and exultation in all parts of the country. The very sight of the red flag has, in many instances, accompanied, possibly even to the point of witnessing a deputation to the Convention, and often from the poorest citizens, to throw into its coffers some voluntary contribution for the support of the war. These are not symptoms of disgust with the reigning Government, and of a desire to change it.

But with respect to the present disposition of the army, or what it may be at the end of the war, I can say less, as I have not seen it. At present the best understanding subsists between it and the Convention. It is possible, that in the course of service, if the war should last long, many of its members may acquire habits unfriendly to the Republic; but in an army composed of the yeomanry of the country, as this is, that sentiment will be less apt to gain ground, and its influence would not be so destructive as that which has so generally prevailed under the monarchy, and is only to continue to produce some effect, even in its final disposition? If, however, there should still remain a considerable force on foot, which could not be prevailed on to retire; fond of conquest, of rapine, and of plunder; can it be supposed, that its parent country will furnish the only and most grateful theatre to act on? Will no other portion of Europe present it a more productive field, whereon to gratify ambition, avarice, or revenge? There must always remain in the breasts of the soldiers some sentiment in favor of their relatives; and the fortunes of the wealthy will be pretty well broken and dissipated here by the course of the revolution. The example of the Roman emperors, who, after long periods of the most bloody and productive wars, were rewarded with a general action, and in the hope of regaining Charleroy. He attacked them at every point, about five in the morning, formed in the field, and ready to receive him. Three times he drove them back within their entrenchments, reluctant to yield the day: but they rallied out a fourth time, with still greater impetuosity, shouting through all their ranks, "we will retrench no more," and singing theExpose, Deux Mains, and other popular songs, advancing in an order which was irresistible. The attack succeeded. Cobourg, with his routed army, fled before them, leaving on the field, according to the French accounts, about ten thousand slain. The French, it is supposed, lost, about fifteen thousand. They have taken the course of the preceding campaign, and in their ranks, between Mons, Tourcoing, Hazebrouck, Lille, Lens, Hazebrouck, Ghent, Charleroi, Brussels, Ghent, Quaynay, Lille, Nieuport, Caudans, (at the mouth of the Scheldt) with some other places lying in that quarter. Cobourg at present occupies the ground in the neighborhood of Maestricht, and endeavours to cover the frontier of Holland. It is, however, daily expected another action will take place, with the prospect of the fate of Tilly and Contades and Valenciennes, you observe, are left in the rear; they are yet possessed by the combined forces, but are invested, and it is thought will soon fall.

Their success in Spain has likewise been great. They are in possession, at present, of the whole of the province of Guipuscoa, Bilboa excepted. Many prisoners and immense parks of artillery have been taken from the Spaniards; it will give you some idea of the kind of operations, to have such a list.

There has been but one sea action, and which was between the French and English fleets, in the course of the present summer. The French had twenty-six ships, and the English twenty-eight. The English, having the wind, bore down the French, and separated seven ships from them, and took, and the rest of it.

It is said there never was a more bloody, or better fought action on both sides. It lasted three days. On the fourth, the Britts filed off with the ships they had taken, and sailed into port. The French, having offered to re-new the combat, likewise retired afterwards to Brest, whether they conducted the merchantmen from America, and which was the object of the contest, safe.

I shall write you again in a few days, and I hope to inform you of my reception. For the present, therefore, I shall conclude, with assurances of the great respect and esteem with which I am, &c.

Mr. Monroe to the Secretary of State.
Parris, Aug. 25, 1794.

Sir: In my last, of the 18th instant, I mentioned to you that I had been presented to the commission of foreign affairs, for reception; and was assured I would lay the copy of my credentials, which I left with him, before the committee of public safety, under whom he acted, and to whom it more particularly belonged to appoint the time and regulate the mode. After this, I waited eight or ten days without progressing an iota; and as I heard that a minister from Paris was expected about that time, I was more anxious than ever to see him; and as my time was so long, and perhaps much longer, in the same situation. It was obvious that the public boards had been so much shocked by the late disaster, that, from a variety of considerations, some public and others private, they could scarcely move forward upon any subject. At the same time, I had reason to believe it was the general wish they should give you every degree of respect for the character I represented. Upon the most mature consideration, therefore, I thought it incumbent on me to make an effort to break through these difficulties, by expedite my reception. The Convention, I knew, possessed the sovereign authority of the nation; and I presumed that, by addressing myself to that body, and especially in the present state of things, I should have availed of the censure of any subordinate department, but perhaps relieve it from an unpleasant dilemma, and at the same time, make an experiment of the real disposition of this country towards ours. The latter consideration I deemed of some importance, as it would ascertain to me a fact which might have influence upon my conduct on other occasions.
sions. I therefore addressed a letter to the President of the Convention, of which the enclosed, No. 1, is a copy, and was happy to find it was well received; for it was immediately taken, by a member present, to the committee of public safety, by whom a report was made in two hours afterwards to the Convention, and a decree adopted by the latter body, of which No. 2 is a copy, for my reception by the Convention itself at two the following day. I deemed it my duty to avail myself of this opportunity to dissipate, if possible, by the documents in my possession, impressions which had been made, and were still making, of the unfriendly disposition of the American Government towards the liberty and happiness of the French nation. At the same time, therefore, that I presented my credentials, I laid before the Convention the declarations of the Senate and House of Representatives, as conveyed by the President through the Secretary of State, with an assurance that I was authorized to declare that the President was actuated by similar sentiments. The communication was received in a manner very interesting, and which, furnished, at the same time, the strongest proof of the affection entertained by the French nation for the United States of America. The enclosed, No. 3, is a copy of my address to the Convention, and of the President's answer. Every department has since shown the strongest disposition to prove its attachment to their ally, by embracing every opportunity which the slightest incident, has offered. A few stores brought for the accommodation of my family, in the ship which I sailed, were arrested as cargo, because no declaration of purchase by the captain. This was casually heard by the committee of public safety, and, without any intimation from me, by their order restored. But being desirous more formally to testify their regard, the commissary of foreign affairs announced to me yesterday, that he was instructed, in my name, to appropriate a house for my use, as minister of the United States of such accommodations and in such part of the city as I would designate. The enclosed No. 4 is a copy of his letter and of my reply. These latter acts, it is true, may be deemed in some measure acts of ceremony. So far, however, as they furnish any indication of the disposition of this country towards our own, it is a favorable one.

I have found here many friends. I conjecture it a new predilection, which, were taken at sea and brought in, in derogation of the treaty of amity and commerce. I intend immediately to make an effort to have that order rescinded, and compensation rendered for the injury sustained. I have written to Mr. Fenwick, who is best acquainted with the affair of the Bordeaux embargo, to request his attendance here, or to forward such documents as will enable me to pursue, with suitable information, the interest of those who were affected by it. And I shall likewise bring forward, at the same time, the claims of others of our citizens for supplies rendered to the Government of St. Domingo.

The position of the armies is nearly the same as when I wrote you last. No action has been fought, nor any other material change taken place since.

A perfect tranquillity, too, continues to reign throughout the republic. The execution of Robespierre and his associates has produced the same effect everywhere. Every person seems to be freed from an oppression which was daily increasing, and to be freed from the authority of the people, and covered with the mask of patriotism. It is, however, said, that others, who have been equally guilty, (for Robespierre, who was a timid man, could not have made the majority of the committee vote against their own opinion) will, probably, yet be brought to justice. Of this I shall be able to give you further information in my next letter.

The resolution, which I suggested in my last, contemplated in the organization of the committees and revolutionary tribunal, is now completed, or nearly so. I will enclose you copies of the decrees in my next. A great number of prisoners have been discharged, who were confined here and in other parts of the republic, in consequence of a decree that those should be liberated who were committed upon suspicion only. It was, however, greatly unfortunate that Robespierre was not cut off sooner, for it is most certain that his last days were stained with some of the innocent blood of the republic.

The vice consul has not yet arrived, and, to be candid, I doubt, when he does, whether he will be received or not. A native of this country is, at the present moment, unable to render any service to our own, although he may have always resided here, and his political principles may be disapproved. But one who has been absent is considered, if not an emigrant, at best, indifferent, to the revolution, and therefore odious. If this gentleman was here, I think it probable he is confined at the part where he landed. I deem this unfortunate, but for there is much business which properly belongs to the consular department here; and all the commercial affairs of the republic are transacted here.

No. 1.

Mr. Monroe to the President and Representatives of the French People in Convention assembled.

PARIS, August 14th, 1794.

CITIZEN PRESIDENT:

Having lately arrived here, with authority from the President of the United States of America to represent those States in quality of minister plenipotentiary with the French republic, and not knowing the competent department to whom his business belonged, I have thought it my duty to make known my mission immediately to the representatives of the nation. To them it belongs to fix the day, and prescribe the mode, by which I shall be acknowledged as the representative of their ally and sister republic. They will, therefore, have the goodness to designate to me the Department to which I shall present myself, to be recognized in the character I bear.

I make to you this communication with the greater pleasure, because it gives me an opportunity, not only to testify to the representatives of the free citizens of France, my own devotion to the cause of liberty, but of assuring them, at the same time, and in the most solemn manner, of the profound interest which the Government and People of America take in the liberty, the success, and prosperity, of the French republic.

No. 2.

The following decree was passed by the Convention:

ART. 1. The minister plenipotentiary of the United States shall be introduced into the bosom of the Convention, to-morrow, at two o'clock, P.M. He shall then explain the object of his mission, and, after which, the President shall salute him fraternally, in testimony of the friendship which unites the American and French people.

ART. 2. The President of the Convention shall write a letter to the President of the United States, and transmit to him the process verbal of this sitting.

No. 3.

The following address was presented by Mr. Monroe, the day following:

Citizens President and Representatives of the French People:

My admission into this assembly, in presence of the French nation, (for all the citizens of France are represented here) to be recognized as the representative of the American republic, impresses me with a degree of sensibility which I cannot conceal. It was one of proof of that friendship and regard which the French nation has always shown to their ally, the United States of America.
The following communications from the Department of State were, at the same time, delivered by Mr. Monroe:

To the Committee of Public Safety of the French republic.

PHILADELPHIA, June 10th, 1794.

The undersigned, Secretary of State of the United States of America, has the honor of communicating to the committee of public safety for the French republic that, on the 24th day of April, 1794, it was unanimously resolved, by the House of Representatives, as follows:

"That the letter of the committee of public safety of the French republic, addressed to Congress, be transmitted to the President of the United States, and that he be requested to enable the minister of the French republic to be answered on behalf of this House, in terms expressive of their sensibility for the friendly and affectionate manner in which they have addressed the Congress of the United States, with an unequivocal assurance that the Representatives of the People of the United States have much interest in the happiness and prosperity of the French republic."

The undersigned, Secretary of State of the United States of America, has the honor of representing to the committee of public safety for the French republic, that, on the 25th of April, in the present year, it was unanimously resolved, by the House of Representatives, as follows:

"That the letter of the committee of public safety of the French republic, addressed to Congress, be transmitted to the President of the United States, and that he be requested to enable the minister of the French republic to be answered on behalf of this House, in terms expressive of their sensibility for the friendly and affectionate manner in which they have addressed the Congress of the United States, with an unequivocal assurance that the Representatives of the People of the United States have much interest in the happiness and prosperity of the French republic.

The President of the United States has caused this honorable notice of the resolution to be transmitted to the Department of State. In no manner can it be more properly discharged, than by seizing the occasion of declaring to the ally of the United States, that the cause of liberty, in the defence of which so much American blood and treasure have been lavished, is cherished by our republic, with increasing enthusiasm; that, under the standard of liberty, wherever it shall be displayed, the affection of the United States is all along rally; and that the successes of those who stand forth as her avengers, will be gloried in by the United States, and will be felt as the successes of themselves and the other friends of humanity.

Yes, representatives of our ally, your communication has been addressed to those who share in your fortunes, and who take a deep interest in the happiness and prosperity of the French republic.

EDM. RANDOLPH, Secretary of State.

The French people have not forgotten that it is to the American people they owe their initiation into the cause of liberty. It was in admiring the sublime insurrection of the American people against Britain, once so haughty, but now so humble; it was in taking, themselves, arms to second your courageous efforts, and in cementing your independence by the blood of our brave warriors, that the French people learned, in their turn, to break the sceptre of tyranny, and to elevate the statue of liberty on the wreck of a throne, supported, during fourteen centuries, only by crimes and by corruption.

How, then, should it happen that we should not be friends? Why should we not associate the mutual means of prosperity that our commerce and navigation offer to two people freed by each other? But it is not merely a diplomatic alliance—it is the sweetest fraternity, and the most fruct, at the same time, that must unite us—this it is that indeed unites us; and this union shall be forever indissoluble, as it will forever the dread of tyrants, the safe-guard of liberty, and the preservation of all the social and philanthropic virtues.

In bringing to us, citizen, the pledge of this union, so dear to us, it could not fail to be received with the liveliest emotions. It is now five years since an usurper of the sovereignty of the people would have received you with the pride which belongs alone to vice; and he would have thought it much to have given to the minister of a free people some tokens of an insulent protection. But, to-day, the sovereign people themselves, by the organ of their faithful representatives, receive you; and you see the tenderness, the effusion of soul, that accompanies this simple and touching ceremony. I am impatient to give you the fraternal embrace, which I am ordered to give in the name of the French people. You shall receive it in the name of the American people, and let this spectacle complete the annihilation of an impious coalition of tyrants.
The Committee of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

Paris, 4th Fructidor, 24th year of the republic.

Citizen:

After having received the representative of our ally with the most distinguished marks of affection, the Government of the republic desires to do every thing which depends on it to make his residence in France agreeable to him. With this view the committee of public safety authorizes me to offer you, in the name of the republic, the assurance of its esteem and good wishes. The annexation of Algeria to France, therefore, to make known to you my intentions in this respect; as, likewise, to designate the quarter which will be most agreeable to you.

The Minister Plenipotentiary of the United States of America to the Committee of Foreign Relations for the French republic.

Paris, August 22, 1794.

Citizen:

I was favored yesterday with yours of that date, informing me that the committee of public safety had authorized you, in the name of the republic, to appropriate a house for my use, as minister of their ally, the United States. Much honor do I derive from the act, and design to accept it with peculiar satisfaction, because I consider it as a proof of the sincere regard which the committee entertain for their ally, whose servant I am. But, upon this occasion, I am not permitted to indulge, in any respect, my own opinion or feelings.

The constitution of my country, an extract from which is here annexed, has prescribed a line of conduct to me, and which it is my duty to follow. The committee of public safety, and you, citizen, respect too highly the fundamental laws of your own country not to approve my reason for declining the kind favor you have made me. I shall, however, immediately communicate it to our Government, and doubt not it will produce there the good effect it merits.

Extract from the Constitution of the United States.

"No title of Nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State."

Mr. Monroe to the Secretary of State.

Paris, September 15, 1794.

Sir:

As soon as I could command a moment's leisure, I applied myself to the immediate duties of my station. I found many of my countrymen here, laboring under embarrassments of a serious kind, growing out of the war, and was soon furnished with like complaints from others in several of the seaports. Correct information upon every point was my first object: for, unless I knew the nature and extent of the evil, I could not seek a remedy. I encouraged, therefore, by my letters, these representations, as the only means by which I could acquire it. Nor was it my object to cause the complaints already had to be too deeply affected and long delayed, to be remedied upon the present occasion. In the course of a few weeks, I believe most of the complaints which had been occasioned by the war, and especially where the parties were present, either in person or by attorney, were laid before me. By analyzing them, I found they might be classed under the following heads:

1. Those who were injured by the embargo at Bordeaux.
2. Those who had claims upon the republic for supplies rendered to the Government of St. Domingo.
3. Those who had brought cargoes in for sale, and were detained by delay of payment, or some other cause.
4. Those who had been brought in by the ships of the republic, in derogation of the treaty of amity and commerce, and were confined, in derogation of the treaty of amity and commerce, or rights of citizenship in the United States.

Upon the investigation of these heads, and the next following, so far as compensation to the injured parties was in question, I had no difficulty how to act. Your instructions had fully marked the course to be taken. I therefore required that compensation be made as soon as possible, and upon just principles, according to the contract, where such was the case, and the fair estimated value, where it was not. But the two latter involved in them something more than the mere adjustment of existing claims, and which closed the scene when that was made. They grew out of measures, which, if suffered to continue, might create like injuries every week, and which would require a like interposition on my part. Therefore considered it my duty, not only to require a full indemnity to the claimants, as in the other instances, but to mount to the source of the evil, and seek a remedy commensurate therewith.

I found that the delays above spoken of did not proceed from interest or design on their part; from interest they could not: for they not only disgusted, and often injured the claimants, but likewise exposed the Government to controversial loss, upon account of demurrage; and if there was no motive of interest, there could be none for design. They proceeded, in fact, from the system of trade adopted here, by which the whole commerce of the country was taken into the hands of the republic itself. The regulation was such, that none but the officers of Government could purchase, nor could any contract be concluded and executed in any of the seaports, or elsewhere, than in Paris. This threw every case into the hands of a board of commissaries, in this city, who were otherwise borne down with an immense weight of the most extensive and complicated duties. The defect in the own arrangements here, increased the embarrassment: for, as we had no consul here, every captain, or supercargo, became his own negotiator, and as they were generally ignorant of the city, the language, and of the prices last given, they were badly calculated for the purpose. Every new cargo formed a distinct negotiation; and, as there was no system on the part of the venders, who, as wished, as was natural, to make the most of their voyage, they usually asked an extravagant price for their merchandise in the first instance. This occasioned a kind of traffic between the parties, and which frequently terminated in the disgust of both, and particularly of the venders, who, after they were weary of dealing with the clerks in the Department, and whose duty it was to receive them, generally assigned the business over to some agent, and who, as he was not clothed with any public character, could neither be much respected by the French Government, nor possessed in any high degree of the confidence of his employers. Such was the state of our trade in this republic, and such the cause of the delay. As soon, therefore, as I became sufficiently well acquainted with the subject, I thought my duty to bring it before the Government, and desire, on its part, a suitable remedy; and if the person lately appointed does not soon arrive, I shall deem it equally necessary to nominate some one as consul, provisionally, to take charge of the business on our; and if he does arrive, I am by no means certain it will remedy the difficulty, for reasons I shall hereafter explain.

I had more difficulty in determining how to act on the fourth point. I was not instructed to desire a repeal of the decree, and did not know but that it had been tolerated from the soundest motives of political expediency. This republic had declared war, from a justifiable motive, against a nation that had infamously sold our own people to slave the negroes; and the public safety, therefore, had a strong disposition to make their own people feel the unpleasing nature of the proceedings of the French. This consideration entitled it to some attention in return. An attempt to press it within the pale of the stipulation contained in the 23d and 24th articles of the treaty of amity and commerce, might give birth to

* The third and fourth are meant.
sentiments of a different kind, and create a disposition to call on us to execute that of the treaty of alliance. The subject was, therefore, of the utmost delicacy, and I saw that I could not enter on it without the greatest care. But yet I was persuaded that France gained nothing by the departure, and had reason to believe, if it were otherwise, that she would, at the present time, lose it for our actual mediation; and I knew its importance, and especially as it would deprive the cabinet of St. James of the smallest pretext for continuing the violation on its part. Upon full consideration of all these circumstances, the paper presented was drawn, and I trust, whatever may be its effect, it will have the approbation of the President, since it may produce a beneficial one, and has proved a decided hit in the public mind. I expect an answer as soon as circumstances will permit, paying due regard to the immense weight of business before that Department.

Upon the article respecting citizenship, I have as yet said nothing. I did not wish to complicate the subjects which I presented before us, too much at that one time. But I am now to attend to, as shall likewise the claim for reimbursement of 50,000 dollars, advanced to the French emigrants from St. Domingo.

Nothing of great importance has lately taken place in the public councils. The remaining spirit of ancient party has, however, drawn together those who are opposed to its principles, and this party is still in existence, and seems to have a great natural force drawn, and to lurk in the bosoms of the more inveterate only. Happily a different spirit, more congenial with the temper of the nation, and which inclines to humanity, peace, and concord, seems to pervade the great mass of the Convention. I think this latter will soon prevail, so as not only to prevent, at least for the present, further enormities, but to heal, in some degree, the wounds which have already been inflicted. Some latter circumstances authorize this expectation. Barrère, Colot d'Herbois, and Billaud de Varennes, of the committee of public safety, and several of the committee of sureté générale, were suspected by many of countenanced and supported the measures of Robespierre and it was apprehended that, after the perfect and predetermined calm which ought to precede an execution should subside, some disasters of that subject would ensue. Accordingly they were lately denounced by Le Cozé de Versailles, who brought forward a long list of charges against them. But it was immediately seen, that the party in favor of the denunciation, though violent, was weak. The convention heard the accusation with patience, and decided against it. Many of this party were now in their turn alike agitated and alarmed, because they thought they saw, in the rejection of the motion, the invincible strength of the other party, and the certainty of their own fate; but they were superficial observers of the course of the revolution, and of the theatre on which they acted. They did not perceive how it was to be expected, at such a period, that a party, which had so often been the object of persecution and that great and still resists, should be equal to the vexations and outrages of which it was susceptible, both, and render their extravagant and pernicious efforts abortive and harmless. This latter fact was farther demonstrated by an event which followed immediately after. Under the organization of the committee of public safety, it became necessary to redress the injuries of foreigners; and the lower house would of course have been re-chosen. But the contrary was the case, for they were every one rejected, and others preferred in their stead. I have mentioned this incident, because I deem it an important one in the character of the present moment, tending to prove the certainty with which the revolution progresses towards a happy close. Since the preponderance of those councils, which are equally distinguished for their wisdom, temperance and humanity continues to increase.

Nor is fortune less propitious to the affairs of this republic in the field than in the cabinet. Within a few days past, Condé and Valenciennes have surrendered to its victorious arms. About 6,000 troops were taken in these garrisons, with 1,100 emigrants, and which latter were immediately put to the sword. The rigor with which the emigrants have been pursued continues nearly the same, and seems still to be dictated equally by the sentiment of the public councils and the people at large; it will not, therefore, be easily or soon removed.

The surrender of these garrisons has relieved from a state of inactivity about 50,000 men, who were immediately adopted as the army in the Meuse, and on the frontier of Holland. These armies are at present of great strength and certainty, upon the ordinary rules of calculation, not to be resisted by the force now embodied against them. In point of numbers, they are by far superior, and they possess the means by which this superiority may be increased at pleasure, and to any amount. Their discipline, too, is as good as can well be whilst on the other side, every thing wears a more gloomy aspect. Their troops are dispirited, and daily wasting away by the events of war, and reinforcements have been for a long time past with difficulty obtained, and seem now to be exhausted, or at least at a stand. And to increase the embarrassment on their part, it is said a dispute has taken place between Cobourg and York. For the command, in case they should unite their forces; the latter having set up a claim in consequence of the great force of Prussians, &c. in British pay.

Cobourg occupies at present a position near Maastricht, and York one in the neighbourhood of Berge-op-zoom. It is thought the French will direct their principal force there, and, as important consequences, open a speculation, and no effort be made to deprive Holland of its chief barrier. They are strong and well provided, but deemed by no means impregnable to the arder and enterprise of the French troops. It is therefore probable some severe encounters may soon take place in each quarter; for surely nothing but absolute despairs will induce the combined Powers to abandon them, and which they must otherwise do, in case the French continue to exert themselves with their usual vigour.

Mr. Monroe to the Committee of Public Safety.

PAris, September 3, 1794.

There are some subjects to which I wish to call your attention, and which I deem of equal importance to both republics. They have grown out of the occurrences of the present war, have pressed particularly hard upon the United States, and will, I doubt not, be immediately rectified in a manner becoming the character of the French nation, and the factitious commerce.

The first respects the departure, on the part of France, from the 23d and 24th articles of the treaty of commerce subsisting between the two republics.

The second, the embargo of our vessels at Bordeaux, and the injuries arising from it to those whom it concerns. There is a claim of some of our citizens for supplies furnished to the government of St. Domingo, authorized by bills upon the minister of the republic in Philadelphia, by bills upon France, and by mandates, and other instruments usual in such cases.

As is the case with the treaty of commerce, it is stipulated that free ships shall make free goods, and that all goods shall be free, except those which are termed contraband; and that no dispute might arise as to contraband, all those which should be deemed such on the one hand, and which should be deemed free on the other, are particularly specified in the 94th.

I am led to bring this subject to your view, briefly to observe, that these articles have been dispensed with on your part; that our vessels, laden with merchandise, not only the property of your enemies, made free by these articles, but likewise of our own citizens, the latter of which was always free, have been brought into your estuaries, detained for a great length of time, from their proprietors otherwise injured or exposed to great danger, many of our ships, cargoes, losses, and injuries. But I will not dwell upon this subject in this view, because I frankly own to you, it is painful for me thus to contemplate it. I wish to reserve my free comments for the other side of the picture, when I shall favorably explain the motives of the act, in communicating to my country what I have learned to communicate, and upon this friendly intimation only, the ready acquiescence with which the decree was rescinded.

It may be said that Great Britain has rendered us the same injury, and that, when she shall change her conduct in that respect, France will likewise follow her example. But the case is wider; and I will state one, which more especially the law of nations, however clear its doctrine, even with respect to contraband; but with France it is in both respects
France.

regulate by treaty. Besides, we are the allies, and, what is more interesting, the friends of France. These considerations naturally inspire in the councils of the two countries different sentiments in regard to us; and if Britain proves true to those which belong to her situation, shall we, on the other hand, find France reluctant to cherish such ties as are friendly to us, and consider them as measures for our injuries? Will our ally defend us like injuries? Will our ally defend that with that nation in rivalry, which shall harass our commerce most, and do us the greatest detriment? This is surely not a relation for the two republics to bear towards each other. Other sentiments will, I hope, inspire their common councils—sentiments more congenial with the nature of our situation; sentiments which will look to the citizens of both countries.

If the French republic gained the smallest benefit from the regulation, there might be some motive for adhering to it. But this cannot, it is presumed, be the case. The most to be derived from it is the occasional seizure of a straggling vessel, destined for the ports of Spain and Portugal; for they are excluded from the ports of England, except under the regulation. It must be remembered, however, that France, as she has been able to assert her rights in the West Indies, would be their destination; add to which, the charges attending the seizure and conducting of vessels from their course must be great, and it make it not only an uncertain, but unprofitable mode of supply.

But if the regulation is understood, it will lead to no mischief. It will be such as, though under the protection of our flag, the commerce of Britain may be carried on with advantage to her, and detriment to France. But a moment’s reflection will demonstrate that this apprehension cannot, in any degree, be well founded; for the navigation act of England, whose great principles have been wisely adopted here, forbids almost altogether any such commerce as that which cannot be carried on in the ports of the colonies, nor the productions or manufactures of any other country, be carried in our bottoms to Great Britain. This restriction must, in a great degree, inhibit the use of our vessels in any but the direct trade between the two nations: for it is not probable that Great Britain will use the vessels of America to export her cargoes to other countries to their own advantage, and return, they would generally be left there empty and unsold. On the contrary, we know that her practice in such cases has been, not to countenance the navigation of any other country at the expense of her own, but to protect the latter by convoys. But if this were otherwise, it is to be presumed that one of the effects of the present system of success of the French arms, will have decisively settled itself, before it could have produced any material effect.

It must be obvious that the conduct of Great Britain, and especially in regard to the articles of contraband, must depend, in a great measure, upon that of France in this particular: for if France declines to rescind this decree, the articles, as well as the cargoes, which belong to the French, will make a purchase of the vessels of the commerce of this country. But if France should comply in the first instance, she will put Great Britain in an embarrassing dilemma: for if she refuses afterwards, it will not only tend to cement our union with France, but combine all America in the condemnation of the conduct of Britain and if they should then comply, to France will be the credit of having given force to it.

At the same time I express to you a desire that this decree be rescinded, and the parties heretofore affected by it compensated for the injuries they have received, I consider it my duty to add some observations upon the recommendations detrimental to the measure. A regulation of this kind, in its fullest extent, must prove very injurious to both countries, and especially to France. Trade cannot exist under it. It will soon happen that not a single adventurer will seek the French ports; no merchant will enter them but by constraint. The consequence must be, that the commerce of America, so extensive and productive, and especially in those articles in greatest demand here, will be either reduced, or altogether lost; and here by means a regulation of the kind adverse to national interests—a resource which, however productive, should not be the sole one, for many reasons; but, more especially, because the produce of the country, having thus become the property of France, will be liable, by the law of nations, to the requisition and satisfaction of all nations as to the produce of her own property. In the case of France, you would be secure in the respect which is due to your flag by other nations, and which would enable our citizens in their own bottoms to supply, in abundance, your markets, (and in which I trust we shall succeed) it would be of no use to you; and, lastly, because the competition of private adventurers would thus be destroyed—a competition which, with the mutual interests and satisfaction of France and America, is not only calculated to the advantage of the European market, but, by making known constantly and regularly the prices in America, form a check on their conduct, and furnish the best test of their integrity.

You will observe I do not complain that the public are the sole purchasers, and regulate, at pleasure, what shall be the price of the cargo, and such as the vender as paid for their cargoes in some commodity or specie, at their option; or that agents of the public are appointed in the United States, and as many as may be thought necessary, to purchase our productions on public account and send them here. These are subjects which the legislators of the republic will have much to consider, and the settlement, regular and permanent, of these matters is what I wish the most. But the market may be opened freely to the enterprises of my countrymen, and which will be the case, provided they be permitted to leave them immediately, if they do not like the market, and despatched without delay in case they do. To accomplish the first point, a general order only will be requisite to the officers of the customs, or other persons in authority in the several ports; and the latter, a regulation of the prices to be immediately given by these officers upon all occasions, when a vessel should arrive, and which might be furnished, as often as any change should be deemed necessary. This would, I am satisfied, banish every cause of complaint; greatly increase the competition; and of the supply of the market, and at a much less charge.

Upon the second subject, the Bordeaux embargo, I find the committee has already passed an arret, which secures to the persons interested an indemnity for the delay and other injuries sustained; it only remains, therefore, to adjust the amount of the claims, and pay the parties entitled to it. The claims approved by the citizens to the Government of St. Domingo, is likewise a matter of account, and which it earnestly hoped will be immediately adjusted and paid. A person authorized will appear in support of the claims, with the evidence, before any board or tribunal which shall be appointed for the purpose.

I have to observe that I shall be happy to give every aid in my power to facilitate the adjustment and subsequent payment of these several classes of claims. So far as they are well founded, I doubt not they will be allowed by the French republic; and, where this is not the case, they will not be supported by me. In an aggregate view, they with the great mass of American merchants. It is of importance for France to cultivate that interest, and to be a solid benefit to the republic, the American Government, and my countrymen in general, will not only bear the departure with patience, but with pleasure. It is from the confidence alone, which I entertain, that this departure cannot be thought improper. A confidant is the only sure guard against error, in removing every possible cause of uneasiness, and conciliating still more and more towards each other, the affections and interests of both republics, and thereby cementing more closely their union, that I have taken the liberty, as connected with the other concerns, to bring the subject before you. To cement that union, in other situations, has long been the object of my efforts. And it is with the satisfaction of being able to announce in this instance, that it has been the object of my efforts and for both countries, America and France thus united, the one the greatest Power in the European world, and the other rapidly repulsing the wars of war, and rising to the first rank in the scale of nations; both bound by, and maintaining an immense space along, the Atlantic; abundant in productions suit the demand of each others and, above all, their republics have nothing to fear from foreign danger, and every thing to hope from the happiest and
FOREIGN RELATIONS.

From the Secretary of the State of the United States to Mr. Monroe.
PHILADELPHIA, September 23, 1814.

SIR:

My letter of the 30th July last having been repeated by duplicate, I shall only recommend to your particular and immediate attention the subjects of it.

The spoliations and vexations which are imputable to the French cruisers, and among them, the injuries to our citizens which, in the name of the government, the people are to have redress of, are, to be sure, of a nature to quicken the sensibilities of those who are unacquainted with them; but the excitement, in the individuals interested, a flame, which now and then bursts forth in violent expressions, and which, you, therefore, cannot quiet too soon by a proper adjustment. You will find in the enclosed copy of Mr. Fauchet's letter to me, of the 1st August, the strong assurances which he has given on this head.

The expediency of an indemnity to be paid to these unfortunate neighbors, is placed under the care of Mr. Boland, who goes to seek compensation on account of the ship Fame. It is a strong case, and will back your remonstrances, however pointed they may be. I do not state the munificence, as his documents speak explicitly, and he himself will be on the spot, ready for further explanation. There is nothing in it you cannot render yourself virtuous in the eyes of every community as on those occasions. Indeed, I flatter myself with the expectation of hearing shortly of considerable advances towards final success on your part.

Mr. James Anderson has been highly recommended, and his letters have shown him to deserve some degree of notice from the United States, for he was not suggested to be a President in the minds of many, because it was presumed from some information, which was received, that the places for which consuls were designated at the last session, were not suitable to his views. You will therefore take the earliest opportunity of inquiring into his character and respectability, and inform us.

A claim of Mr. Granger is also forwarded to you, in order that you may pursue the same measures relative to it, as in the others of a similar kind.

Mr. Boland has promised to deliver to you your quota of newspapers. From the beginning of August to this hour, they contain the last interesting dispatches of the hour. These should have been communicated to you, as they arose, if conveyances to France were not, of all others, the most difficult to be obtained. You will recollect the murmurs which have long prevailed there against the excise. At length the house of General Neville, the inspector, was attacked by a large party of armed men, in the day, and burnt to the ground, together with most, if not all, the out houses. Foreseeing that Government could not be matters of excitement, perhaps, some preposterous views of ambition and personal aggrandizement, the leaders, to render themselves formidable, contrived to give an appearance of an universal commotion, and association of sentiment. A large body appeared in arms on Braddock's field, and appointed the 14th of August for the meeting of deputies from all the townships at Parkison's ferry. Writing the Virginia counties to send deputies also. The President despatched Senator Ross, Judge Yates, and our Attorney General Brawford, as commissioners; having first required twelve thousand five hundred militia to be held in readiness, in certain proportions, in New Jersey, Pennsylvania, Maryland, and Delaware. A Committee was appointed, to meet on the second, to be held at Redstone a later day. Our commissioners unanimously prevailed upon those with whom they conferred, to agree to urge the people to peace. But the Redstone opinions were not so propitious as those of Parkison's ferry. The people there assembled were dissatisfied with the conduct of the former committee of conference, and appointed another, which, like the former, were unanimous for the purpose. Still the people themselves were to be consulted, and the 11th September fixed for the taking of their votes. The result has been, that every leading man has subscribed to the terms required by the commissioners; that near three thousand men above the age of sixteen have submitted; that there is no real danger of an opposition in the field. However, the militia having been on their march for some time, and it being certain that, although open resistance may not be found, the laws cannot be executed unless some degree of military force be at hand to support the officers, their movements have not been countermanded. The command is intended for Governor Lee, of Virginia; but the President goes on towards Carlisle, on Monday, with a view, after march, to the rapid increase of the militia, and will decide whether to proceed or return. The principal information, which is to be procured from the newspapers, will be the first and second proclamation, the representation of the Secretary of the Treasury to the President, and the proceedings of the commissioners. In a day or two their report will be concluded, which will upon this subject be the white or a small cloud of Pennsylvania. Still the people themselves were to be consulted, and the 11th September fixed for the taking of their votes. However, you may be assured that the insurrection will very quickly be subdued, and you can err in no political calculation built on this event.

The spirit which the States have manifested is astonishing. Throughout Virginia, to favor the insurgents would be disgrace, and actual personal danger. Some of their emissaries produced a momentary disturbance in Fredericktown, in Maryland, but it was soon quelled by the rapid approach of the militia. In Pennsylvania, from some mismanagement, the call of the militia was not hastily obeyed. But such an enthusiasm has now grown up and been raging for a considerable time, that the very Quakers have entered the ranks and marched to Pittsburg. New Jersey seems to be a nursery of warriors, determined to support the constitution. Even the democratic societies have been organized into a body of militia; and the President has written to the Sheriffs of the several counties, with a view to hasten their numbers, which will be reenforced by the militia already added. Judge, then, how indispensable it is, that you should keep the French republic in good humor with us.

Spain has, by a conduct similar to that of Great Britain towards us, imposed the necessity of sending an envoy extraordinary thither, also, for the negotiation at a stand, on the most unaccountable pretexts. My conviction is firm, that Mr. Charles Maddison and Mr. Wilson are crotchial in nothing but a hate against the United States, and a determination to harass them through the Indians.

If, however, a report has come many ways, be true, that General Wayne, on the 20th August, left between one hundred and fifty and three hundred Indians dead on the field near the Rapids of the Miami, their execution might have fallen, and that their heads were of worth.

I am, &c.,

EDM. RANDOLPH, Secretary of State.
Mr. Monroe to the Secretary of State.

FRANCE. 679.

PARIS, October 16, 1794.

Sr.:—I gave you, in my last, a sketch of the embarrassments under which our commerce labored in the ports of the republic, and of my efforts to emanuate it, as shown by my letter to the committee of public safety, a copy of which was likewise forwarded. To this I have, as yet, received no answer, although I have requested it more than once. To those, however, to which I was unfavourably informed, that the subject was under consideration, and would be decided on as soon as possible.

But as these propositions were of extensive import, and connected with the system of commerce and supply which had been adopted here, it is probable I shall not be favored with an answer until the subject is generally reviewed. I do not, however, forget to press upon you the importance of the zeal and energy with which it pursued its object. Through the channel of trade it was found, or suspected, that the principles of the revolution were chiefly impaired; that, through it, not only the property of the emigrants and the wealth of the country were exported, but that foreign money was likewise thrown in, whereby the internal dissensions of the nation were increased. At one time it was believed, that most of the evils, to which France was a prey, proceeded from this source. Many remedies were, in consequence, applied, but still the disease continued. Finally, an effort was made to eradicate the cause, by exterminating private trade altogether, and taking the whole commerce of the country into the hands of the decree, to this effect, accordingly passed on the — day of October, 1793, and which has since continued in force.

But now many circumstances incline to a change of this system. The act itself was considered as a consummation of the French party, and the principal party of the French nation, and the roll of those who received their supplies under the guillotine. By it, the commercial interest, as distinct from the landed, and dividing, in certain respects, with opposite views, the councils of the country, was totally destroyed. All private mercantile intercourse with foreign nations was cut off; and so severe were the measures, and great the odium, on the mercantile character, that, when the business of foreign commerce was done away, the motive for the act itself was greatly diminished. Accordingly the public mind was seen vibrating back to its former stations; and in which it was greatly aided by the fortune of the late dominant party, whose principal characters, like those, in whose turn, settled accounts with the republic, the receipt of the guillotine. Thus we find, and especially in countries, that extraordinary measures not only do not remain those who bear the character of their author, but frequently share his hate. The fall of the Brissotian party extirpated private trade; the fall of Robespierre's may probably soon restore it.

A fall of a corruption or institution, more or less detestable, though none seem willing so prominently to take the lead as to make themselves responsible for the consequences. The only active interest that I can perceive against it, is composed, of all those who have managed the public trade and been intrusted with the public monies for that purpose. They readily foresee that a change will not only take from them the public cash, but likewise lead to an adjustment of their accounts for past transactions. It is, however, generally the fortune of an opposition of this kind, to precipitate the adoption of the measure it wishes to avert: for as every one suspects that its motive is not sound, and which is proportionally increased by the degree of zeal shown, so every one feels an interest in defeating it.

I have endeavored in my propositions to confine them entirely to external objects, by suggesting such remedies as might be adopted without any interference with the interior general system of France. By so doing I hoped that the injuries of which we complain might be sooner redressed, and not made dependent on the great events which happen here.

I soon found that the extraordinary expedient, to which this republic had recourse, of excluding individuals from trade, and conducting it themselves, would require, in a great measure, a correspondent regulation on our part. For, if the conduct of the public servants, on the one side, was not in some measure supervised, and which it could not be, but by public agents, on the other, the impositions which might be practised on our improvvident countrymen would be for ever here, and another, serious, and probably an unfortunate, chase of supplies for the republic, or the execution of a contract, the bias of the Government and of the people would be in favor of the former. The consuls, under the superintendence of the minister, forms their natural bulwark, to be maintained of this kind. They are, in a certain sense, the consular. But to guard them against those proceeding from the source above described, it should be organized with peculiar care. I was sorry, therefore, upon inspecting into our establishment, to find, that, whatever might be its merits, in other situations, it was by no means, in general, endowed with sufficient strength or vigor for the present crisis. American citizens alone can furnish an adequate protection to their countrymen. In the hands of a Frenchman, or any other foreigner, the consular functions lie dormant. In every litigated case the former shrinks into the citizen, and trembles before the authority of his country; and the latter, especially if the subject of one of the coalesced parties, has an irrevocable commission of sufficient force to exempt him from the decree, which would otherwise doom him to a prison. I annex, at the foot of this, a list of consuls and consular agents, with a note of those who have already been actual arrestation and confinement, and by which you will be better enabled to comprehend the justice of these remarks.

My situation was, therefore, in every view, beyond measure an embarrassing one. But as there was no consul or agent, of any kind or country, here, where the whole business was concentrated, and every transaction closed, it became, on that account, infinitely more so: for I was, in consequence, not only directly surrounded by many of my countrymen, complaining of delays and injuries, and entreating my intercession for redress, but applied to by them themselves, to settle their respective accounts. I was solicited to interpose in every kind of distress, to which they might be prostrate, in all cases, in which there were more of the same description. I could not even go through the forms in the offices which were necessary to verify facts, and which, if true, furnished ground for a demand for money, and which was enforced upon any suppositions by the law. It was a law which must be, until verified. I remained thus, for some time. In expectation of the arrival of Mr. Duvernet; although I was apprehensive such an event, in consequence of the general objection above stated, and the decree, which applied particularly to his case, instead of affording relief, would plunge me into a new embarrassment. But finding that he had submitted to the public business, for his component parts; and that the moment his commission, which nominated my secretary, Mr. Skipwith, provisionally, consular for this city, on the —day of —, and notified it to this Government; a copy of which, and of the answer of the commissary of foreign affairs, I herewith enclose you. To him I was since assigned the interesting duty of developing and demonstrating the cause of these difficulties, by an appeal to the principles on which our relations with that country are formed, and agents, and in several of those ports, to render him a statement of those within their particular jurisdictions. Thus enlightened, he will make a report upon the whole subject to me, and which I will immediately lay before the committee, for their consideration, and as with his consent necessarily.

At present I can say nothing decisively upon the subject of a general arrangement of the consulate. What I have said may furnish some hints which may be useful. But I wish, before any thing is definitely done in that respect, you the result of my further remarks on it. Mr. Fenwick will be here in a few days, and from whom, I doubt not, you will receive immediate word of information. In the office in which I have placed him. But as he undertook it without the prospect of emolument in the official line, (for, in truth, the duties required of him are not strictly consular, but novel, and growing out of the emergence of}
try where these sentiments particularly head. and exhibits warmth and the latter are not satisfied by such persons, two of whom are said to be then confined at Dunkirk as spies. The subject was, in point of principle, and I was really embarrassed how to act in it, so as to satisfy this Government, and do justice to the powers, the British and the American, it essentially requires. And yet the argument was equally strong on the other side: for, if the subject of another Power, it was equally difficult to distinguish between such and any other subject of the same Power, especially in this region, where the right of expatriation is generally denied. But, in point of experience, there was less difficulty in the case. Circumstances, in its nature, a local privilege. It implies a right, which the Government of this society. But with the if considerations of this kind are to be regarded, I can see no reason why it should not, in the present instance, be construed strictly: for, if a temporary emigrant, after availing himself of this benefit for a few years, and for the purposes of trade, in our indulgent country, chooses to abandon us, and return from whence he came, why should we follow him, on this side the Atlantic, to support, in his behalf, a privilege which can now only be claimed, at best, for private, and perhaps dishonorable purposes? Can any motive be urged of sufficient force to induce us to embark here in this kind of controversy, at the hazard of our national character, and the good will of the nation believing in such a cause? It may be that the genuine sentiments of the people in general are stronger than I imagined it will not, of the kind that merits encouragement: for it will rarely happen that a single member of that respectable list of philosophers, artists, and yeomen, who seek an asylum with us, from the troubled governments on this side the Atlantic, will ever re-cross it. These observations apply only to those who settled with, and remained, and whose sentiments and interests, in all essential respects, are the same as those of the British territory, (who, were, of course, in the common character of British subjects, equally members of our Revolution) who threw their fortunes into our scale, as being as much Americans as if they were born with us. After some discussion with the commissary on the subject, it terminated by an assurance, on my part, that I should be particularly cautious as to such characters, and release my passport to all of that description (except, in cases of hardship, and upon which he should be previously consulted) who were not actually resident within the United States. This arrangement was satisfactory to the Government, as you will perceive by the commissary's letters to me, copies of which are herewith transmitted. I shall, however, be happy to be instructed by you on that head.

The councils of this republic still continue to present to view an interesting, but by no means an alarming spectacle. Instances of animated debate, severe censure, and even vehement denunciation, sometimes take place. Notwithstanding all this, it evinces a marked difference, which is not surprising: as the war on this side of the mountain is rapidly on the decline, and, equally so, that, if the opposite act with wisdom and moderation, at the present crisis, it will not only complete its overthrow, but destroy the existence (if possible in society) of all party whatever. The agitation which now occasionally shows itself proceeds from the pressure of this last cause in the minds of the people, and is in these last times of [omitted]. The presence of war upon their enemy: for having, since the fall of the Brissotines, wielded the councils of the nation, and been accustomed to a pretty liberal use of their authority over the remaining members of that party, they bear, with pain, and without apprehension of danger, their present decline. The tone of the discussion, therefore, frequently exhibits to view the external of a violent controversy between two rival parties, nearly equally balanced, and which must terminate, under the preponderance of either, in the extirpation of the other. But this I deem only the external aspect; and upon considerations, in my judgment the most solid, I have observed, generally, that the first indications of the affairs. The second party had already broken through the restraint imposed on them by their leaders, (if, when a force is broken and routed, there can be any leader) and sally forth into extravagances, which provoke resentment, where they should only endeavor to extice pity; and whilst a different conduct is justified by the leaders themselves: for neither Barrere, Billaud of Valence, nor Genet provoced the revolution, nor, except in these last times of [omitted], and to which they confine their comments strictly, and with all suitable respect for their opponents. I observe, also, it rarely happens that any very distinguished member in the preponderating party takes share in these discussions. As the field is rather much confined in this respect: and yet, the Warrens, those who have perpetrated such enormities in their missions in the several parts of the republic, and particularly at Nantes, should escape the justice of their country.

In the movements of the present day the jacobin society has, as heretofore, borne its part. The history of this sect shows the present to be of importance to mankind, and especially that portion upon which Providence has bestowed the blessing of free government. It furnishes a lesson equally instructive to public functionaries and to private citizens. I am not yet fully possessed of the details, although I have endeavored to acquire the stock of information. To think, I own, that I am not able to write a history of the jacobin society; and yet, probably, I am now, and have been, engaged in the history of the world; a history which shows at least two great eras. The first commenced with the Revolution, and ended with the deposition of the King. The second fills the space between that event and the present day. The former of these is still further divisible into two parts, upon each of which distinct characters are marked. The first commenced with the Revolution, and ended with the last constitution or government; the second, under the constitution. During the first of these, the jacobin society was composed of almost all the enemies to the ancient despotism: for, in general, those who were friends of the public liberty, and wished its establishment under perpetual empire, were, at this time, unfettered, and authorized by the fundamental principles of the constitution. But with the adoption of the constitution many were satisfied and left it. And this, and during the second part of this era, it was
France.

During the whole of the first era, therefore, or until the deposition of the King, this society may be considered as the cradle of the Revolution; for, most certainly, the republic would not have been established, if the public sentiment, as well as the means of discussion and free criticism among men and measures, contributed greatly to forward that important event.

But from that period, and through the whole of the second era, the society has acted a different part and merited a different character. The clergy, the nobility, and the royalty, who by the ways of government, had been, and continually were, the chief object of Robespierre, and under his direction the principal agent in all those atrocities which have stained this stage of the Revolution. It was by means of this society that he succeeded in cutting off the members of the two succeeding parties of Brissot and Danton, and had finally well nigh ruined the republic itself.

It may be easily fact, and very deserving of attention, that, in the more early and latter stages of this society, the best men of France were seeking an admittance into it, but from very different motives. In the commencement and until the establishment of the republic, it was resorted to by them for the purpose of promoting that great event. But in the latter stage, and until the fall of Robespierre, it was resorted to by them merely to shelter from danger. Virtually, it was a place of simple acquiescence, where one could be secure of the privilege of doing nothing; and of course the object of his persecution. Nor was any man of independent spirit, possessing them, secure from his wrath. The Jacobin society could alone furnish any kind of protection, and to this circumstance it was owing that the Jacobins were widely and uniformly coursed throughout the kingdom. This society therefore, it may be said, was the creature of Robespierre, and under his direction the principal agent in all those atrocities which have stained this stage of the Revolution. It was by means of this society that he succeeded in cutting off the members of the two succeeding parties of Brissot and Danton, and had finally well nigh ruined the republic itself.

The preponderating influence had long been in the hands of those of a different description. The preponderating influence had long been in the hands of those who seemed at the time to abet his enormities. Unfortunately for them and for their country, their presence secured only a partial exemption from danger. The preponderating influence had long been in the hands of those who seemed at the time to abet his enormities. Unfortunately for them and for their country, their presence secured only a partial exemption from danger.

In the last scene which was acted by Robespierre, and in which he placed himself at the commune in open rebellion against the Convention, it is said that this society arranged itself under his banner against that assembly. But after this fall, and which was instantaneous, it immediately endeavored to repair the error of theappointment, by offering itself upon some who were admitted to be bad members, and others who were said to have forced themselves, as at tumultuous moment, unincorporated, into the society, and who were not members at all. It even went into high crimination of Robespierre himself. But the principles of the controversy were too deeply rooted in the minds of all to be so suddenly eradicated. It was obvious that a crisis had arrived which must eventually settle the point, whether the Convention or this society should govern France, and equally so, that the public mind was, and perhaps long had been, decisively settled in favor of the former. As the catastrophe was approaching, this society, as herebefore, used at one time, an elevated or commanding tone, and at others a humiliating one. But the Convention acted with equal firmness and decision, and in the last stage of its existence, it was at a point at which it seemed the only way to throw by contrasting the wisdom, the justice, and magnanimity of its own present conduct, with the past and recent enormities of this society, is uncertain. The leading members of the preponderating party seemed doubtful upon this occasion; and the views of the people, and the expression of the sentiment of the nation, were determined, through the country, forced the convention into more decisive measures. By its order, the secretary of the society at Paris was arrested, and all the deputies from those associated with it through France, and who had arrived to deliberate upon the state of their affairs, were driven from the city, under a decree which exempted none, not inhabitants of Paris, except our countrymen. Of all France, Marseille was the only district in which its efforts produced any effect. A small commotion, excited there, was immediately quelled by the ordinary police, and who, after an example of the leaders, reported it to the Convention.

Although it may be thought that the author, in regard to this society, is uncertain: the subject is now under discussion, and I shall, I presume, be able in my next to give you the result.

The same success continues to attend the arms of the republic, and in every quarter. They have taken, since my last, in the North, Juliers, Aix-la-Chapelle, Cologne, and Bois-le-Duc; and in the south, Bellegarde, with immense store of ammunition, without it; and in March, and May, thirty in Juliers and Bois-le-Duc; at both of which latter places a general action was hazarded by the opposite generals, and in which they were routed with great loss. It is said, indeed, that the action which achieved Juliers, was among the most important of the present campaign, since they have taken since my last, in the North, the fortress of Maestricht, Bergen-op-zoom, and of Holland itself. Maestricht is now closely invested, and must fall in the course of a few weeks, since the Austrian general has obviously abandoned it to its fate. Holland must fall immediately afterwards: for there is, in truth, nothing to prevent it. Indeed I think it probable they will previously detach twenty or thirty thousand men to take possession of it: for it is generally believed to be the strongest place in the kingdom.

What effect these events may produce in England it is difficult for me to say. That Austria, Prussia, and Spain, have for some time past weared with the war, and have wished to withdraw from it, is certain. That they will withdraw from it soon, is more probable, and upon the best terms they can get. England, therefore, will have to maintain the contest alone; for Holland will be conquered, and subject to the will of the conqueror. This, however, is not the only danger which impedes over her. Denemark and Sweden, offended at the unlawful restraint imposed by her on their trade, in the arbitrary rule of contraband, have, for near three months past, united their forces in the name of peace; and therefore, the Austrians must be made acquainted with their wishes, and irritated with that Power, has, I have reason to believe, serious thoughts, not only of abandoning the war, but of acceding to this combination. The lapse of a few weeks, however, will, no doubt, unfold these subjects more fully to view.

Mr. Monroe to the Secretary of State.

ParIs, November 1, 1794.

Sir:—I have been favored with yours of the 30th of July, original and duplicate, and had the pleasure to receive them unopened.

In my last letters, which were of the 15th September, and 18th October, I informed you of the several subjects which I had brought before the committee of public safety, as also of the ill success which had attended my efforts to obtain an answer upon any one; and I am sorry to be under the necessity now to add, that although I have presented these subjects to the committee several times, I have not been laid before it.

Being wearied with the delay, I notified to the committee, soon after the date of my last letter to you, that I should be glad to confer with them, or some few members, on the subject; provided it complied with their rules in such cases, and would otherwise be agreeable. The proposition was immediately assented to, and the evening of the same day appointed for the interview. I attended in their chamber; we had some discussion, and which ended in a request, on their part, that I would present in writing the sum of what I had said, or wished to say, either on the points depending, or any others I might find necessary to bring before them, and which I readily promised to do.

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By this time I had obtained from Mr. Skipwith a comprehensive statement of the embarrassments attending our trade here; as well those which proceeded from the cruisers of the republic, and applied to what was destined or cleared out for foreign countries, as those which proceeded from the commercial system of France and applied to the direct commerce between the two republics. As his report to me specified not only each particular cause of confusion that existed, but also the way in which they might be removed, I determined to send him a second communication on that head. I accordingly laid it before the committee, with such comments as appeared to me suitable; and I now transmit to you a copy of it, that you may be apprized how fully the subject is before them. As to the chief opposition, which has been indicated to me, as arising from the difficulties of their own affairs, were long accumulating, and had probably attained a height of which they had no conception.

As I had reason to suspect that the chief opposition proceeded from those who conducted the public trade, and who were attached to that mode from motives not the most patriotic, I thought it proper to examine the question, whether the party were not in the moment of the emergency for the republic to encourage the competition of its markets, or depend on agencies employed in or sent to those countries for that purpose. This subject had been incidentally touched in my first note; but I thought some benefit might be derived from a more thorough development of it. With this view I sent in, at the same time, the paper, entitled "Supplemental Observations on the Commercial and Financial Relations of France and England in Consequence of the Conference." I felt extremely embarrassed how to touch again their infringement of the treaty of commerce; whether to call on them to execute it, or leave that question on the ground on which I had first placed it. You desired me in your last note to abstain from the premise, and to press to a conclusion the question of commerce. It now appeared to me that it would be advisable to demand of them the execution of those articles. Upon full consideration, therefore, I concluded that it was the most safe and sound policy to leave this point where it was before, and in which I was the more confirmed by some circumstances that were afterwards disclosed. I sent the last day after this last communication was received. I am now informed from the committee, assuring me that the subject engaged their entire attention, and that an answer should be given me as soon as possible; and a few days after this, I was favored with another, inviting me to a conference at twelve the next day. I attended and found only the three members of the diplomatic branch of the ministers, but Mr. Treilhard, by demanding that I had advised and pressed them to execute the 33d and 34th articles of the treaty of amity and commerce; that they were persuaded their compliance would be useful to us, but very detrimental to them: It would likewise be distressing for Frenchmen to see British goods protected by our flag, while their own goods were subject to the disadvantages of our envoys' duty; and I concluded that they would insist upon our executing the treaty? I replied nothing new to add to what I had already said on that head. Treilhard seemed surprised at the reply, and expressed a wish that I would declare myself frankly on the subject. I answered in my surprise, that I had not only declared myself frankly, but liberally. We then passed to the subject that I was about to mention, and after some short but satisfactory discussion, I pressed, which I urged, that if she considered her own interest only, she ought not to hesitate, since it gave her command of neutral bottoms, and, under the protection of their own flag, to supply her wants; with other considerations, which have been already stated. I was informed, before the conference, "Do you insist upon or demand it?" I found that a positive and formal declaration on this point was the sole object of the interview; and as I perceived that something was intended to be founded on it, either now or hereafter, if given in the affirmative, I was the more resolved to avoid it, and to adhere to the ground I had already taken. I therefore repeated my declaration, and in the most explicit terms, that I was not instructed by the President to insist on it, nor did I insist on it; that their compliance would certainly be highly beneficial to my country, but that in my observations I had considered the proposition merely in relation to France, and wished them to do the same, since I was satisfied that the true interest of France dictated the measure. They all expressed an attachment to the measure, and the difficulties of their own country prevented them from adopting it, but promised that, in the present state of the public mind, any measure which might be construed as eventually favoring England; and thus the conference ended.

To overcome the subject over since, I have been doubtful whether the sollicitude shown, to draw from me a decisive answer to the question "Whether I insisted or demanded of them to execute the articles of the treaty," was merely intended as the basis of their own act, complying with it, and a justification for themselves in so doing, or as a ground to call on us hereafter, in the prosecution of the war against England, to fulfill the guarantee. I was, at the moment of the discussion in the committee of the latter opinion, but I was convinced, upon a more general view of all circumstances that have passed under my observation since my arrival, that I am, at present, inclined to be of the former. I rather think, as there is an opposition to the measure, and it would come with an important change in their system, and might also be construed into a partiality for England, (a nation by no means in favor here,) it is necessary to meet the difficulty by an act of our own, stigmatizing their measures, which in the past I con- fided it would be impolitic to demand it; since the refusal would weaken the connexion between the two countries, and the compliance, upon that motive, might, perhaps, not only produce the same effect, but likewise excite a dispute between them. In these points, I am determined, whether such a measure is to be obtained, to obtain an answer, and a favorable one. If the subject was before the Convention in the light it stands before the committee, I am convinced it would long since have been the case. But it is difficult to get it there: for, if I carried it there myself, it would be deemed a kind of denunciation of the committee. Yesterday there was a change of several of the members of that body and which I deem, from my knowledge of those elected, favorable to our views. Be assured that I shall continue to press this business with all suitable energy, and in the mode that shall appear to me most eligible; and, in the interim, that I will do every thing in my power to prevent abuses under the existing system.

The sum of the fifteen thousand dollars advanced for the emigrants from St. Domingo, I have made no formal demand, because I wished the other points, which were depending, settled first, from an apprehension that, if they granted several little matters, it would fortify them in a disposition to reject those that were important. I have, however, repeatedly urged them on this point, and they have not declined making this a subject for the consideration of a board to be calculated on by the Department of the Treasury. I shall certainly bring it before them shortly, as I shall immediately the affair of the consul in the Isle of France upon which latter point, however, permit me respectfully to add that the appointment of a person not an American, perhaps an Englishman, to the office of consul, has not only been a subject of complaint and disrespect to our authority, but every thing in the way of propriety, and I must say the reward was exposed there.

With respect to the business with Algiers, I have not known how to act. It will be difficult for France, in the present state of affairs, to support the measures of our resident in Portugal, or for them to concert any plan of co-operation. It seems, however, in every view, proper to rid ourselves of the person in Switzerland, who, I understand, has been in readiness to prosecute the business for some time past. I have, in consequence, written him a letter, in conformity to your idea, of which I enclose you a copy, and which, I presume, he will consider as a request to me. You will perceive the manner in which I have addressed this measure to the Committee of Consular affairs, and the course that may be adopted by which she may forward the measure of Colonel Humphreys, I will endeavor to avail of him of it. But, certainly, if it is expected that her aid will be efficacious, or that she will embark with zeal in the business, the whole should be concerted and executed by this quarter, and that it be not left to a Mr. Skipwith, who has been here, to show you what has been done; he is pursuing it without calculating upon any aid from France. A letter which was presented me by Mr. Cathalan, our consul at Marseilles, (and who is now here, as are Mr. Fenwick, Dobree, and Coffyn, a son of Mr. Coffyn, consul, and who came here to represent his father) from Captain O'Brien, and was delivered to me some days ago, do not, however, show you what has been done in Algiers. I am informed that Mr. Skipwith was ordered under my country any service, in this distressing business, in my power, even by visiting Algiers, if it were necessary. I have inquired into the character of our consuls at the several ports: I mean those who are Frenchmen: for Mr. Fenwick is well known: viz. La Motte, at Havre; Dobree, at Nantes; Coffyn, at Dunkirk; and Cathalan, at Mar- seilles; and find them all men of understanding, attached to our reputation, located to our country, and
grateful for the confidence reposed in them. If displaced, it will subject them to some censure: I do not, therefore, wish it; though I most earnestly advise that, in future, none but Americans be appointed.

I was extremely concerned, upon my arrival here, to find that our countryman, Mr. Paine, as likewise Madame Lafayette, were in prison; the former of whom had been confined near nine months, and the latter about two. I was immediately, and without being personally acquainted with, or in any manner interested in her, tried, and finally arrested, by both to endeavors to obtain their enlargement. I assured them of the interest which America had in their deliverance; and promised them by the underwritten statement, that I should endeavor every opportunity to serve them; but observed, at the same time, that they must be sensible it would be difficult for me to take any step officially in behalf of either, and altogether impossible in behalf of Madame Lafayette. This was answered by her friend, who assured me her only wish was that I would have her situation in view, and render her, informally, what services I might be able, without compounding the credit of others with her interest. I assured him she might confide in this with certainty, and, further, that, in case any extremity was threatened, that I would go beyond that line, and do everything in my power, let the consequence be what it might to myself, to save her: with this she was satisfied. She still continues confined, nor do I think it probable she will soon be released. I have assured her that I would supply her with money and with whatever she wanted; but, as yet, none has been accepted, though I think she will soon be compelled to avail herself of this resource.

The case was different with Mr. Paine. He was actually a citizen of the United States, and of the United States only: for the Revolution which parted us from Great Britain, broke the allegiance which was before due to the crown, of all those who took our side. He was, of course, not a British subject, nor was he strictly a citizen of France: for he came, by invitation, for the temporary purpose of assisting in the formation of their Government only. Hence, in such a case, I should think it would be the interest of the Convention itself arresting him, by which he is declared to be a foreigner. Mr. Paine pressed my interference. I told him I had hopes of getting him enlarged without it, but, if I did interfere, it could only be by requesting that he be tried, in case there was any charge against him, and liberated, in case there was none. This was admitted.

His correspondence with me is lengthy and interesting, and I may probably be able hereafter to send you a copy of it. After some time had elapsed, without producing any change in his favor, as he was pressing and in ill health, I finally resolved to address the committee of general security in his behalf, resting my application on the above principle. I had written to the committee, to the president, who assured him he would communicate its contents immediately to the committee of public safety, and give me an answer as soon as possible.

The conference took place accordingly between the two committees, and, as I presume, on that night, or the succeeding day; for, on the morning of the day after, which was yesterday, I was presented by the secretary of the committee of general security, with an order for his enlargement. I forwarded it immediately to the Luxembourg, and had it carried into effect, and have the pleasure now to add that he is not only restored to the enjoyment of his liberty, but in good spirits. I send you a copy of my letter to the committee of general security, and of their reply.

Since my last, the French have taken Coblenz, and some other post in its neighborhood; they have likewise taken Pamplona, and broken the whole of the Spanish line through a considerable extent of country. About twenty standards taken from the routed Spaniards were presented to the Convention a few days past.

I likewise send, in the enclosed papers, a decree respecting the Jacobins, by which all correspondence between the different societies is prohibited, as likewise is the presenting a petition to the Convention in their character as such, with some other restraints I do not at present recollect.

From Mr. Monroe to the Committee of Public Safety.
PARIS, October 18th, 1791.

Upon the several subjects on which I addressed you on the 17th Fructidor, (September 3d) viz: the embargo of Bordeaux; the supplies rendered to the Government of St. Domingo; and the departure by France from the 23d and 24th articles of the treaty of amity and commerce subsisting between the two republics, I have but little to add at present. The two former matters are of great importance, and could not be completely adjusted, by any means short of a convention between the committee and myself. That only to ask for such despatch in the adjustment and payment as the exigence of the parties and the circumstances of the republic would admit of. Nor shall I add any thing upon the third point to change the principle upon which both of the committee will, therefore, be pleased to decide upon each under the considerations which have been already urged.

I likewise stated in that note, generally, the embarrassment under which our commerce labored in the ports of the republic. A general view was all I could then give. But the appointment of a censeil for this city has since enabled me to examine into the statement made. This I had immediately examined it with great attention, and reported the result to me, a copy of which I now lay before you. It presents to view a frightful picture of difficulties and losses, equally injurious to both countries, and which, if suffered to continue, will unavoidably interrupt, for the time, the commercial intercourse between them. I trust, therefore, the causes will be immediately removed, and such remeses adopted, and in this I am the more confident, because those which would be deemed adequate will, in any degree, interfere with the internal police or regulations of the country.

I also suggested in my former note that, however necessary it might be for France to avail herself of agents in America at the present crisis, for the purchase and shipment of supplies thence, here it should not be relied on as a principal resource. The more attention I have since paid to this subject, the better satisfied I have become of the justicce of that remark. I have, therefore, thought it my duty to add some further observations on it, and which I now beg leave to submit to your consideration in the annexed paper.

You will observe the counsel has likewise consisted in his report the cases of many seamen and other persons, citizens of the United States, taken at sea or elsewhere, and who are now held as prisoners in confinement. I hope an order will be issued for their immediate enlargement; and, as it is possible many others may be in like situation, that it may be made to comprehend all the citizens of the United States, not charged with any criminal offense against the laws of France, and of which latter description I hope there are none. The committee will, I doubt not, designate such species of evidence necessary to establish the right of citizenship in doubtful cases, as it will be practicable for the parties to furnish.

I also take this early decision upon these subjects, that I may immediately communicate it to our Government. The Congress will commence its session in a few weeks, and it is the duty of the President to lay before that body, and at that time, the state of public affairs, comprising, as the most interesting particular, the conduct and disposition of other nations towards the United States. Information upon these points will, of course, be expected from me, and I should be mortified not to be able to give such as would be deemed satisfactory.

JAMES MONROE.

Supplemental Observations to the note of the 3d of September, upon the American Commerce.

That France will have occasion, whatever may be the crop for the present year, for supplies of provision from foreign countries for the next, is certain. These must be obtained from the neutral countries, and especially from the United States of America. It is important for her to ascertain how they shall be obtained, and brought into her ports with greatest certainty and least expense.
There are but two possible ways or modes by which these supplies, or any others, can be brought here, which are: first, by public exertion, or by agents in those countries, whose duty it is to purchase the articles in demand, and send them here on public account: and secondly, by the enterprise of individuals. Both shall be impartially examined.

First, as to the certainty; and which will depend upon prompt purchases, safe carriage, and integrity of the agents.

As soon as agents arrive in America, it will be known to the commercial interest in every quarter. Whenever they appoint sub-agents, this will likewise be known. When it is intended to make purchases and shipments, this will be known. The movement of vessels to take in cargoes, will be observed. Immediately a combination will be formed by the owners and managers of the vessels, who will bring all the disposal of them to the competition of the market, and this will raise the price and create delay. A monopoly naturally revolts the society against it, and this will add a new stimulus to the otherwise sufficiently active one of private interest, to speculate and prey upon the agents, and, of course, upon the embarrassments of the public.

But the purchase is finally made and shipped for France; the ships are at sea, the property belongs to France; and the ships, though American, give no protection by the ancient law of nations, which is in force where not otherwise regulated by treaty, and of course with England. The cargo of every vessel shall be taken will be condescendingly sold by the state, and examined by a committee of the United States, and it will be employed to counteract in the purchase and upon the sea. It will be applieable from the ports whence shipments were made, and have vessels of war stationed to seize them.

It is the nature of an agency to depend upon the policy of supply. The whole amount of its profits will depend upon the exclusion of every other: for every cargo which shall arrive from another source, will take from it so much. It will, therefore, see with jealous the commencement of enterprises of this kind, and deem each in the degree a robbery of its own resources. It will fear that not only the amount of its profits will be diminished, but that the funds upon which they are to be made, will be exhausted. It will, therefore, discourage these enterprises, by hinting that the republic does not want them: that it has no money to pay for them; that the captains and supercargoes are ill treated in France by delay, &c. It will be the interest of the agency to crush every other mode of supply, and it will accomplish it, unless the wisest precautions are used to prevent it.

Besides, funds must be raised somewhere, to a sufficient amount to supply it. The agency disposed to discharge the trust faithfully as it could, making, at the same time, the greatest profit for itself, and which would generally be done. But let it be supposed that it was cabal of defrauding the public as much as possible, without being detected. In this case, additional difficulties arise, for it will be impossible to devise contrivances to secure its success in the market, and bid one against the other, they would keep the price at its proper level, and thus check its conduct for if it charged more than they (allowing for the difference of the commission) it would of course be convicted of fraud; and, if capable of fraud, other and numerous temptations to seduction might be counted. The chief agent would in this case be the British administration. Suppose the French government to have an immense supply of a national resource. The withholding it might bring on a crisis in her affairs, and which might terminate in an arrangement that would applaud the agent for his prudence. Would he be not an object for the British administration to assualt? And would it be proper that France and the French revolution should be thus made dependent on agents in foreign countries?

As to the comparative expense, there can be no question upon that point. The commission itself will be a considerable thing, in addition to which the freight will be increased: for if American vessels are employed, the owners will exert every thing in their power to increase the freight. If the ship owns the agency shall procure, it is on the charg of the ship, and they will not to the increased price which would be demanded by the agents, in consequence of the combination among the merchants to take advantage of circumstances which would be known to them; nor to suggest that, under any probable modification, it would be the interest of the agents to give the highest price possible.

The operation of the system is so plain and obvious that there can be no possibility of any error.

In Paris, Hamburg, or some other neutral town? The former, as heretofore, will probably be in a great measure declined; and if the latter is adopted, how will they be raised there? By the exportation of the productions or other commodities of the country; incurrying thereby the expense of double commissions, storage, the hazard of the sea, and the expense together with the further inconvenience of overstocking the market, and raising, at the same time, such town to grandeur, by making it the entrepot of French provisions, whilst her own were impoverished.

Every thing that has been said, or can be said, against a chief dependence on agencies, forms an argument in favor of encouraging the ordinary private trade by individuals, and shows that the supply by that mode might be made more sure and cheap. If France would regulate things so that the parties bringing provisions into her ports were paid immediately and despatched, she might command, if necessary, the whole produce of America. Nor would it be necessary that the payment be always in specie. On the contrary, return cargoes would more frequently be paid in the form of manufactures, either domestic or prize goods.

The above is a short sketch of the conveniences and inconveniences which attend the two modes of supply. The one which comes in a monopoly will be attended with all the inconveniences which belong to monopolies in general, and which may be so digested as to be entirely effectual. The other monopolies of foreign trade are confined to luxuries of little importance, and of countries whose citizens cannot send them to market; whereas, the present one is a monopoly of the necessities of life in great demand here, to be obtained from countries whose citizens can best supply them, and at a crisis of affairs when the failure may hazard every thing valuable to France; and when of course it should be most avoided. Whilst, on the other hand, the latter, which is a system of free trade, will not only be free from these objections, but enjoy some benefits which are peculiar to it. It will leave commerce in the hands of individuals, and under the protection of the flags of both countries. If it was made known that France would protect the neutral commerce, the merchants would have a new encouragement to enterprise, and the neutral Powers would be more decisive in vindicating their own rights. The French flag would be the emblem of trade, and the assessor of the freedom of the seas. The American merchant would behold it with pleasure, because they would find under its banner not only the friendly welcome of their ally, but the like and safety from the picquencies of the ocean. If the demand by France was great, it would be known in the United States, whose merchants would immediately supply the demand. And if it was interrupted on the sea by the vessels of another Power, what would be the obvious effect of such an interruption? Might not France oppose it, and conduct the vessels safe to her ports, and would it not raise the nation injured to vindicate its rights, and protect its own commerce.

Unhappily, France has adopted a different policy towards us, heretofore. Instead of encouraging individuals to supply her market, she has given them every possible discouragement which could be devised. Instead of protecting the commerce at sea, and leaving us seek separation for the injuries which were rendered us by other Powers, she has rendered us like injuries, and thus embarrased our councils. But it is not too late to change this system of policy. The Americans have lamented it not more on their own account than that of France. It has, as yet, left no unkind impression behind it; and if the necessary regulations are made, commerce will soon resume its ordinary course.

I do not, by this, object to the plan of supplying by agency altogether. On the contrary, I deem it necessary; because I think it proper for France to avail herself at the present crisis of every resource within her reach. I only wish that it be not relied on as the sole one, and which it will certainly be, if the necessary measures be not immediately adopted to encourage the ordinary private trade, and to restrict agency will be guard against any misconduct in the agency abroad.
The Committee of Public Safety to the Minister Plenipotentiary of the United States of America.

PARIS, 30th September (October 21st, 1794.)

3d year of the republic.

We have received your letter of the 27th of this month, with the pieces annexed. We have felt the weight of their number, and our attention. We have hasten to examine the complaints which are therein exposed, and we hope that the result of our deliberations will be as satisfactory to your fellow-citizens, as conformable to the principles of fraternity and attachment which have always guided the measures of the Government of the French republic towards its good and faithful allies, the United States of America.

MERLIN. RICHARD. TREILLARD. DELMAS.

Mr. Monroe to the Secretary of State.

PARIS, November 20th, 1794.

Sir,

I was favored about five weeks past with a letter from Mr. Gardou, Minister of Finance in Spain, enclosing one for Mr. Otto, formerly in America, and at present chief of a bureau in the Department of Foreign Affairs, mentioning the decline of his health, and requesting my co-operation with Mr. Otto, in soliciting of this Government permission to return. They merit our best attention. I was too far advanced for him to derive any benefit from the waters, and I was not apprised that those suggested were better than others within his reach. Besides, Mr. Gardou and myself were, in consequence of a collision on the much litigated question of the Mississippi, not on the best terms while in America; certainly not on such as to authorize an application of this kind to me.

I immediately inferred that it was the body politic of Spain that was disordered, and not the animal one of Mr. Gardou. As I did not wish to become the instrument of Spain in this business, or incur the slightest suspicion of the tone I have assumed to the United States. I declined giving his letter to Mr. Otto, or answering, for the time, that of Mr. Gardou to me. About three weeks afterwards, I received a second letter, which confirmed me in the opinion first taken up, that the object was to open the door, through me, to the commencement of a negotiation for peace. I found, therefore, that it became my duty to take some step in regard to the United States, and to communicate my course of action in such manner as to make the incident, if possible, productive of some good to the United States, if not to none of Spain.

When I reflected that we had interfering claims with Spain, as well in respect to the boundaries as the Mississippi, and that the latter, were not only without the means that the neutral mission was possessed of without a satisfactory adjustment, and that Spain was probably in concert with England, exciting the Indians against us, I said to myself these considerations, inclined to deem this movement of Mr. Gardou an insolent one. I was the more so from the further consideration that he had made this application to me without the knowledge of Mr. Short, through whom his mission was to be conducted.

I was, therefore, more resolved to suffer myself to be restrained by no unnecessary and false motives of delicacy towards Mr. Gardou, in the manner in which I should treat the subject.

I was likewise persuaded it was the interest of France to have our accommodation in view, and to give her aid in forwarding our arrangement with Spain, at the same time that she adjusted her own: for if she should close a peace with that Power, whereby she left it at liberty to act against us singly, or jointly with England, in case of a war, she would render it more difficult to make a respectable opposition to any effort we might make on the other side of the Atlantic, but an alliance with France would remove such pressure, and leave the Spanish Government at liberty to act with its whole force against us.

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Upon full consideration of all these circumstances, I thought it best to lay the letters of Mr. Gardou before the committee, with my free comments upon them. I did so, and told them explicitly that, in my opinion, it was the wish of the Spanish court to commence the moment, and that it had addressed itself through me, to inspire a distrust in me, by creating a belief that the United States were more friendly to Spain than to France. I explained fully our situation with both those Powers, assuring them that we were inured with a war from both. I also mentioned the indiscreet and artifice of Mr. Gardou, in applying to me without the knowledge of our committee, that our two great friend countries might exist in peace. I assured them, at the same time, that I could be of no service in forwarding their wishes in regard to peace, in the present or any other instance, it was the wish of the United States I should be, and would personally give me great satisfaction. I informed also the danger which would attend a peace between the republic and Spain, unless our differences should be compromised at the same time. I communicated the whole received, and the business terminated in an arrangement, by which I was to answer Mr. Gardou's letters, declining any agency in the business myself, advising him, at the same time, to make his application directly (in case he continued indisposed) to the committee, and from whom I was persuaded he would obtain a satisfactory answer. This was accordingly done in a letter which was forwarded about five days past.

In the close of this affair, I was invited by the diplomatic members of the committee of public safety to a conference upon a new point, which was the intention to send the United States to France in our present war with England, but particular, but that they were distressed for funds, and was asked, could any aid be obtained from the British minister, whom they were satisfied, if it was in their power, it would be rendered; that I possessed no power on the subject, and could only advise of the probability, &c.; that, with their permission, I would put on paper such ideas as occurred to me in respect to that point, and upon which I would afterwards more fully confer. This incident furnished me with a new opportunity of pressing more forcibly the propriety of their securing for us the points in discussion with England and Spain, at their time their own peace should be made with those Powers. I send you a copy of the paper drawn up in consequence of this conference.

Whether France will make any arrangement upon this point with us I cannot tell. When I mentioned, in the committee, the danger which menaced us of a war with Britain and Spain, and asked what reliance we might have on France in such event, I was answered, they should consider ours as their own cause. No other arrangement can well be to have been made here by France, if it be true, that she will so secure, at the time of her own peace, the complete recognition of our rights from Britain and Spain, and which she may easily do, in my judgment, and without prolonging the war a moment on that account.

According to the United States every mean to assert those rights, the present is, of all others, the most suitable moment. The fortune of France has risen to the utmost height of splendor, whilst that of her enemies, declined to the lowest state of depression. Her armies are everywhere triumphant, whilst theirs are everywhere routed and broken. Spain makes no head against her, but is trying, as already shown, to steal a peace in obscurity. And Britain is, perhaps, in nearly as bad a situation. Mauritius has lately surrendered, whereas eight thousand troops were yielded, with about three hundred pieces of cannon, two hundred and fifty-seven of them in brass, with other warlike stores, and in great abundance. Nimeguen was likewise taken a few days afterwards,
with considerable amount in stores; and, it is said, that commodities are taking place in five of the provinces, who have formally resolved to dismiss the Stadtholder, reform the Government by the republican standard, and ally with France. This must be felt in England, and will probably excite disturbance there. In any event it will produce such effect as will strike the blow her own interest dictates, and which every other consideration prompts; it must be decisive, and, if not ruinous to the fortunes of that proud and insolent nation, will certainly secure us the objects we have in view.

If I should get the committee about the proposition for a loan, &c. I will advise you of it by the French minister, who leaves this in about five days. By the paper which I send, you will understand how far the point has been discussed, of the propriety in France to support our claims against Britain and Spain; the opportunity for which was furnished by my friend Mr. Gardoqui, and you will soon be able to ascertain from the minister what his powers on that head are.

Within a few days past, two deputies were appointed by the committee of public safety, by consent of the Convention, to some important trust, but whose names and office are unknown. It is supposed they are commissioned to treat on peace with one of the Powers, and which is most probable but with which of the Powers, or whether this is the object, or any matter connected with it. I apprized you in a late letter, that I had written to Colonel Humphreys, and was endeavoring to concert with him, it possible, the mode by which the aid of this Government, if disposed to grant it, (and which I presume to be the case) may be given him in the negotiation with Algiers. As from him, as soon as I do, provided I find it necessary, I will apply for the support contemplated. Previous to this, it will be improper. Touching this subject, I send you a proposition from the Government of Malta, presented by its chargé des affaires here, to be forwarded for your consideration. You will give me, for that Government, such answer as shall be deemed suitable.

Within a few days past, the hall of the Jacobins was shut up, by order of the Convention. That body was constantly at work to undermine and impair the regular and constituted authority of the Government. Moderate measures to check its enormities were found only to add to its greater excesses. This last step was, therefore, taken, and there is reason to fear its dispersed members will still continue to provoke, by some rash measure, the indignation of the Convention to such a height, as to bring upon them a degree of severity, it were better to avoid. Within a few days past also, the commission, to whom was referred the charge against Carriere, formerly representative at Nantes, has reported there was ground for accusation, and to-day, it is believed, the convention will approve the report, and consign him over to the revolutionary tribunal, who will, with equal certainty, and with the general plaudit of the nation, doom him to the guillotine.

From Mr. Monroe to the Committee of Public Safety.

PARIS, November 13, 1794.

I received, some weeks past, a letter from Mr. Gardoqui, Minister of the Spanish Finances, enclosing one to my care for Mr. Otto, then in the Department of Foreign Affairs, requesting me to present it to him. As I did not wish to be the channel of communication from Mr. Gardoqui or any citizen of France, whatever might be his object, and whether of a private or public nature, I resolved neither to deliver the letter, nor give an answer, for the time, to that which was addressed to me. And I was the more inclined to this from the persuasion that, if of a private nature, the delay could be of no great importance, and, if of a public one, and especially upon an interesting subject, that when it was found I attended only to the concerns of my own country, and did not choose to interfere in those of Spain, that he would take some course more direct for the attainment of the object in view. As some weeks had now elapsed, I took it for granted that this was the case. In this, however, I have been disappointed: for I was favored, within a few days past, with a letter from Mr. Gardoqui, to which he enters more fully in the first communication. Finding, therefore, that he still addressed himself to me, notwithstanding the discouragement already given, I deemed it necessary, not only to examine more attentively the object of this communication, but likewise to adopt, definitively, some plan in regard to it. Nor had I much difficulty in either respect: for, when I recollected that he was a minister of Spain, and observed that his letters, as well as to Mr. Otto, and which I have since examined, as those to me, expressed only a wish to be admitted within the Government of France to attend some baths, I could not but conclude that this was the ostensible motive, whilst some other, in reality, existed. And in this I am more confirmed from a recollection of the relation in which Mr. Gardoqui and myself formerly stood, to each other, in which the friendship which then existed, and his present position for encroaching the Mississippi, was not the most amicable one. From that consideration, I do not think he would solicit a correspondence with me for a trilling object. What other reason then must be the motive? In my judgment, there can be none other than the hope of thereby opening the door for the commencement of a negotiation for peace, and that the Spanish court has availed itself of this mode of making that wish known to you.

Presuming, then, that this was in truth the object, it remained for me only to decide what course I should take in regard to Mr. Gardoqui's communications; nor could I hesitate long upon this point; for I well knew it was of importance to you to become acquainted with the disposition of other Powers towards the French republic. I have, therefore, deemed it consistent with that sincere friendship which the United States bear towards you, and the interest they take as your ally, in whatever concerns your welfare, as well as with that candor I mean to observe in all my transactions, to lay the letters before you; knowing their contents, you will be enabled to determine how to act in regard to them. As it respects the United States, whom I serve, or myself personally, it can be of no importance to me to be acquainted with the result; since I doubt not, that, under the wise counsels of the republic, the revolution will progress to a happy close; but permit me to assure you that, if I can be of any service to the French republic, in regard to the answer to be given to this communication, it will give me the highest satisfaction to render it.

Observations submitted by Mr. Monroe to the consideration of the Diplomatic Members of the Committee of Public Safety.

It is the wish of the French republic to obtain, by loan, a sum of money from the United States of America, to enable it to prosecute the war. This is to be expected from three sources: the General Government, the State Governments, and from individuals. The French cause and the French nation are greatly regarded in America, and I am persuaded some money may be obtained, and perhaps a very respectable sum, from the three sources above mentioned. For this purpose the matter is of so great importance, that it is necessary for the Government and the State to have power to make loans from either of the above parties, and to give such security as the republican shall deem suitable.

The committee, however, should advert to the situation of the United States in regard to England and Spain. Both nations have encroached upon our rights; the one by taking the British posts, in violation of the treaty of peace of 1783, whereby she harasses our frontier, by means of the Indians and the other, by shutting the Mississipi, and likewise exciting the Indians against us to the south; so that the United States are in a kind of hostility with both Powers. There is likewise reason to believe that a convention subsists between Britain and Spain, defensive and probably offensive, against us, in support of their respective claims.

In this situation, would it be proper for France to make peace with either of those Powers, whilst our claims were unsettled with either, and whilst both encroach on our territory? Would it not leave those Powers free to
attack us united, and, in that situation, would not France be forced again to embark in the war, or tamely look on and see our dismemberment? Could the republic, in short, deem its own peace secure or durable whilst these points remained unsettled? I shall only mention the subjects which have arisen between the United States and those Powers, and should it not, therefore, seek an adjustment of the whole at the same time?

I have suggested these considerations in the hope that the committee will give the minister, about to depart for America, full power in relation thereto, and in the confidence that a satisfactory assurance on that head would enable the United States to carry the difference between them and the other Powers, which is, that the difference between the United States and those Powers, it would, of course, be more in their power to lend them to the French republic.

It must be obvious that France may not only secure these points for us, and without any difficulty, but with Spain, which she pleased; for I am persuaded that the Spanish monarchy would even agree to open the islands to the world, and perhaps even to South America, to end a war which endangers the crown itself.

The mode would be by insinuating to both these Powers, when France commenced her negotiation, that they must avoid, at the same time, their difference with the United States.

The sum which might be raised in America from the different sources above mentioned, upon an assurance of this kind, would, in my judgment, be considerable. In any event, however, I shall be happy to give the minister about to depart every information and aid in my power, in forwarding the object in view.

I am, therefore, however, whether it would not be proper to enable me, in my letters on that subject, to declare what your sense is upon these points.

From Mr. Monroe to the Secretary of State.

PARIS, December 3d, 1794.

Sir:—I have at length obtained an answer from the committee of public safety, to several propositions heretofore presented before it, in an arrête of the 18th ultimo, and which I now transmit to you. By this arrête the committee have decided, that the amount of such of our citizens as were injured by the embargo of Bordeaux, and likewise to such others as have claims for supplies rendered to the Government of St. Domingo. By it, also, many embarrassments which impeded the direct trade between the two countries are removed. The arrête further provided that, with our vessels, which had been blockade by the two countries, is done away; and the stipulation of the treaty of commerce, which gives free passage under our flag to the subjects of any of the Powers at war with the republic, is likewise enforced. In short, every thing has been conceded that was desired, except the execution of that part of the treaty which gave freedom to goods in ships that were

have, in consequence, notified to the commission of marine, that I had empowered Mr. Skipwith to take charge of these claims, and attend their adjustment on the part of our citizens, and I shall continue to give every assistance in my power, as soon as they are entitled. In respect to the liquidation, unless, indeed, some difficulty should arise, as to the mode of payment, whether in assignats or specie, I presume all such is at an end. But in regard to the payment, I think it probable, unless assignats are taken, and which are now depreciated, further delay will be desired, owing to the great expenditures of the Government at this very improper and unprofitable time, in which the unfortunate, and unshrinkingly, I think, would be given. If the treaty could have been carried into effect by general agreement, I should have deemed it a fortunate thing; because it would have secured our commerce hereafter from the possibility of vexation, and upon any pretext whatever, by the French cruisers; and because it would have ranged the French republic, at an important period of its affairs, on the side of a principle founded in benevolence, and necessary to the freedom of the high seas. But as connected with other considerations more immediately applicable to ourselves, and especially, if the hope of forcing it upon other nations, as a law, is abandoned, I have deemed it of but little consequence. It certainly precludes the probability of our being called on hereafter to fulfil any stipulation whatever, and will, of course, gain us greater credit for any services we may render them, in case it should suit us to render them any. I am likewise persuaded, from the responsibility the arrête imposes, and the increasing partiality pervading all France towards us, and which is felt by the Americans, and observed by the subjects of other neutral Powers, that the latter would naturally follow the treaty itself; and I think that many of our vessels will hereafter be brought in upon the suspicion of having enemies' goods on board.

I informed you some time since, that I was persuaded, if the subject was before the Convention, it would readily be granted; and in this I have now only been confirmed, but, in the further belief, that a majority of the several States have been in a condition to consider the subject. To distrust the motion, or to increase the profit of others, would be to the two parties to receive a benefit by their own inactivity. I have, therefore, urged the Senate, or any Committee, to take the matter into their view, as soon as the benefits of the treaty shall, I hope, be sanctioned by the Senate, and by the convention.

Your letters, of the 20th ultimo, with respect to the qualifications of political offices, and the same time lessen any weight the United States might have upon that subject, in respect to their own affairs, by inspiring a distrust in me on the part of the people. I shall have to state to you in what manner I had acted upon that occasion, laying his original letters before the committee, with my free and candid comments upon them; as also the further discussion which took place between the committee and myself, with regard to Spain, and in which an incident of a different kind, and much more important, I was exposed, as far as the nature of the case would admit of, the real situation of the United States with respect to Spain and Britain, menaced with war by both; showing how France would be affected by that event, and of course, the consequences it would have upon the business of the last moment. To that communication, I have now nothing new to add, having since the 1st of January, when the Government of Mr. Gardoqui's letter was written, and the different offices that the one or the other which afterwards occurred. I omitted, however, at that time, to transmit to you a copy of my letter accompanying Mr. Gardoqui's to the committee, and which I now enclose for the purpose of presenting that business more fully to your information.

I am convinced that this exposition of our situation with Britain and Spain, and to which the incident of Mr. Gardoqui furnished the first opening, has been useful; for before that exposition, I had reason to believe, that it was not only unknown, but that a very erroneous opinion was entertained by many, in the committee, upon that subject. I thought I had felt the effect of that opinion, created no doubt in the manner you suggest; but as it was not communicated in a way to enable me to take official notice of it, I was embarrassed how to act, or what measure to adopt in regard to it. For awhile, as it was circulated only in private, I thought it best to counteract it by making
the necessary explanation only to those who mentioned it to me. Finally, as I knew the campaign to be progressing towards a close, and that the winter was the season for negotiation; and more especially, as I feared its consequences in a misunderstanding with either of those Powers, with such improper opinion of our situation with each, because I well knew they would improve it with great dexterity to their advantage, I deemed it my duty to make an extraordinary effort to break it. I approached the commissioners of both nations, and which took place accordingly. I was resolved, however, not to meet the imputation as a charge supported by an example, or which I was bound to answer, in case it did. A denial of a charge might begat a suspicion where there was none. I took different ground, by informing the committee that the war in which they were engaged, like all other wars, must have its close. That more especially was the case, as they were continually convinced the United States would be happy to render the French republic any service in their power, in that respect, to bring the present war to a happy close: That it was not their interest to interfere, even by mediation, nor, in my judgment, would they, otherwise than at the instance and by the request of the French republic, in the hope of being free from suspicion, as the obstacles to the accomplishment of that object, were only given the information, that they might retain it in memory for the purpose of availing themselves of it hereafter, in case it should be found expedient. It was received respectfully, but calmly. By one of the members it was observed, that the proposition was too generous for them to pursue. It was not to ask any Power upon the subject of peace, but presumed the success of their armies had disposed them all well towards it; and thus I left them to reflect at leisure upon what I had said, in the belief, however, that the communication must produce a good effect. As this took place prior to the affair of Mr. Gardoqui, and which was more particularly made to Oriental statesmen, it may be suspected that you may be possessed of every, the minutest circumstance relative to our affairs upon this very important theatre.

If the subject of a loan is mentioned again here, or in America, that of securing for us the points in question must likewise have been spoken of, and every weight of desire that the Austrian minister had, that the anxious to revive it here. I am, however, persuaded it will be revived with you: for so vast are their armies, and extensive their operations, that they must be distressed for money, and forced to gain it from whence they can. And sincerely wish we may assist them, if possible, and which I presume it will be, especially if not comprised in the war, and which I think cannot be, although we should be as anxious, as the United States and Spain the rights they have usurped from us. The credit of the United States is such in Europe and America, and their means of reinforcement so unquestionable, especially in the particular of the Western territory (an object viewed with a great efficacy upon this side of the Atlantic) that I am persuaded the amount expected might be obtained by loan; and I am, therefore, sure, in the longer or shorter, that the present minister of France will take the necessary steps to bring it to the best advantage.

The subject of a loan was then again taken up. The agents of the United States, in their comments on the explanation of Mr. Gardoqui, and told them I had received a dispatch from you since our last conference, and that our dilemma with those two Powers was even more critical than I had before intimated. Facts of this kind go further in removing doubts, than any assurances I could otherwise give them. These discussions have enabled me to examine attentively whether it was their real wish that we should embark with them in the war, and I can now, without fear, affirm, that if I were to present myself to them in person, that their wish is not to engage any other Power upon the subject of peace, but presumed the success of their armies had disposed them all well towards it; and thus I left them to reflect at leisure upon what I had said, in the belief, however, that the communication must produce a good effect. As this took place prior to the affair of Mr. Gardoqui, and which was more particularly made to Oriental statesmen, it may be suspected that you may be possessed of every, the minutest circumstance relative to our affairs upon this very important theatre.
I promised you, some time since, my comments upon the subject of a consular arrangement for the ports of this republic. The consuls have been here to confer with me upon the subject of trade, and I have obtained from them their ideas on that arrangement which I now ensole you. I will add my own comments on it in my next, and will subjoin the names of some Americans now here, that may be deemed worthy your attention. I think proper, however, now to mention, that Mr. Shipwith will accept the office of consul for this city, and that I think him worthy of it. He is, in my opinion, a sensible man, of strict integrity, and well acquainted with the duties of the office. The duties of consul here will be those of consul general, and, in strictness, the commission should be correspondent. They may, however, be performed under that of consul only: for I presume those in the ports will respect him equally in either character.

From the Commission of Foreign Relations to the Minister Plenipotentiary of the United States of America.

PARIS, 3d Frimaire, 3d year of the republic, (November 9th, 1794.)

You will find within, citizen minister, the copy of an arrêté, taken on the 25th Brumaire last, (19th November) by the committee of public safety, relative to the conduct which shall hereafter be observed in the ports, and by the vessels of the republic, towards neutral vessels and their cargoes. This arrêté furnishes an answer to the memoir which you presented on the 17th of Fructidor (September 6th.) You will doubtless be fully satisfied with the dispositions which are there announced. You will consider them as a new proof of the desire of our Government to maintain and strengthen the good intelligence which now so happily reigns between our two republics.

Miot.

Extract of the Register of Arrêts of the Committees of Public Safety, Finance, and Supplies, 25th Brumaire, (November 18, 1794) 3d year of the republic.

The Committees of Public Safety, Commerce, and Supplies, order as follows:

ARTICLE I. The vessels of the United States of America, and those of other neutral Powers, shall be permitted to enter freely into the ports of the republic, and retire from them when they please: nor shall it be permitted to any neutral Power to close to them the liberty to return to their departure, or to oblige the captains to sell their cargoes against their will.

ARTICLE II. When the captains or owners of neutral vessels are disposed to sell their cargoes to the public, they shall be paid for them according to the bargain which they make.

ARTICLE III. It is enjoined to all the commandants of naval armaments, fleets, divisions, and squadrons, of the republic, to respect, and cause to be respected, upon their responsibility, in favor of the neutral and allied Powers, the rights of nations and the stipulations of treaties, conforming themselves strictly to the terms of the decree of the Convention of the 27th of July, 1792.

ARTICLE IV. In consequence thereof, they are expressly prohibited from turning these vessels from their course; taking from the board of them their captains, sailors, or passengers, other than soldiers or sailors actually in the service of an enemy Power; or of seizing the effects or merchandise which shall be found in them.

ARTICLE V. Are excepted from the prohibition contained in the preceding article—

1. Merchandises belonging to the enemies of the republic, until such enemy Powers shall have declared that the merchandises of the French shall be permitted on the same footing.  
2. Such merchandises of the neutral Powers also as are deemed contraband of war; and under which are comprised all arms, instruments, and munitions of war, and every kind of merchandise and other effects destined for an enemy's port, actually seized or blockaded.

ARTICLE VI. VII. VIII. and IX. regulate the manner of proceeding where neutral vessels are brought in, upon a presumptive of having enemy's goods on board.

ARTICLE X. The commission of marine shall present, without delay, a statement of the individuals, born subjects of the Powers with whom the republic is at war, who were taken before the present day, upon neutral vessels, that particular arrêtés may be taken in each case board neutral vessels.

ARTICLE XI. The indemnities which are due to the captains of neutral Powers who were detained by an embargo at Bordeaux, shall be liquidated without delay by the commission of marine and colonies, conformable to an arrêté of the committee of public safety of the 17th of Germinal; and this commission shall render an account, in the course of ten days, of the actual state of these demands.

ARTICLE XII. The commission of marine is specially charged to receive and adjust the accounts which shall be presented to it by an agent of the United States, for such supplies as the Americans have furnished to the administration of St. Domingo; and it shall take the necessary measures to procure to the parties interested the most prompt justice, and shall also present to the committees of public safety, of finance, commerce, and supplies, the results of its operations in these respects.

ARTICLE XIII. The commission of foreign relations is instructed to deliver a copy of this arrêté to the minister plenipotentiary of the United States of America, in answer to his memorial of the 9th of Fructidor (September 3d) last.

The Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, December 2, 1794.

Sir:—On the 37th instant,* I had the honor of receiving the duplicate of your letter, No. 2, of the 15th of September last, being the first and only official notification of your having entered upon the duties of your mission.

Alexander Duvernet, who was appointed vice consul of Paris, during the last session of the Senate, departed here so soon, without a suspicion being entertained of his default, that the President has superseded him by commission.

With the frankness of my friendship, I must discharge the obligation of my office, by communicating to you the opinions which we entertain here concerning the speech which you made on your introduction into the National Convention.

When you left us, we all supposed that your reception, as the minister of the United States, would take place in the private chamber of some committee. Your letter of credence contained the degree of profession which the Government was desirous of making; and though the language of it would not have been cooled, even if its subsequent publicity had been foreseen; it still was natural to expect that the remarks with which you might accompany its delivery would be merely oral, and therefore not exposed to the rancorous criticism of nations at war with France.

It seems that, upon your arrival, the downfall of Robespierre, and the suspension of the usual routine of business, combined, perhaps, with an anxiety to demonstrate an affection for the United States, had shut up for a time the diplomatic cabinet, and rendered the ball of the National Convention the theatre of diplomatic civilities. We should

* Instant in the original, ultimo no doubt intended.
have supposed that an introduction there would have brought to mind these ideas: "The United States are neutral—the allied Powers jealous—with England we are now in treaty—by England we have been impeached for breaches of faith in favor of France—our citizens are notoriously Gallican in their hearts—it will be wise to hazard as little as possible on an entertainment of a Frenchman, therefore, in the disclosure of my feelings, something is due to the possibility of fostering new suspicions." Under the influence of these sentiments we should have hoped that your address to the National Convention would have been so framed as to leave heart-burning no where. If private affection and opinions had been the only points to be consulted, it would have been immaterial where or how they were delivered. But the range of a public minister's mind will go to all the relations of our country with the whole world. We do not perceive that your instructions have imposed upon you the extreme glow of some parts of your address; and my letter in behalf of the House of Representatives, which has been considered by some gentlemen as too strong, was to be viewed in any other light than as executing the task assigned by the body.

After these remarks, which are never to be interpolated into any description of the French cause, I must observe to you, that they are made principally to recommend caution, lest we should be obliged, at some time or other, to explain away, or disavow, an excess of fervor, so as to reduce it down to the cool system of neutrality. You have it still in charge to cultivate the French mind with zeal, but without any unnecessary oclash; because the dictates of sincerity do not demand that we should render notorious all our feelings in favor of that nation.

In your letter you say that you have not been instructed to desire a repeal of the decree which violated the 32d and 34th articles of the treaty of commerce; that you did not know but it had been tolerated from the soundest motives of political experience, lest the example for the rescinding it might produce a call for the guarantee. Indeed, you have gone further; having declared in your memorial, that you were under no instructions to complain of, or request the repeal of, the decree authorizing a departure from those articles; and that if, upon reconsideration, after the experiment made, the committee of public safety should be of opinion that it produces any solid benefit to the French republic, the American Government, and your countrymen in general, would not only bear the departure with patience, but with pleasure.

The fourth head of injury, stated in your letter, shows that you were possessed of cases which turned entirely upon the impropriety of the decree; and such, too, was certainly the fact. Now, without the abrogation of the decree, so far as it respected those cases, the redress which you were instructed to demand, could not be obtained: in truth, there was no cause or pretense for asking relief, but upon the ground of that decree having violated the treaty. Does not this view lead to the inevitable conclusion, that the decree, if operative in future instances, would be no less than a formal recognition of its principle, and of the instances, which could be accomplished only by a total repeal. The papers of the ship Laurens contained a reference to one or more representations of Mr. Morris against the decree; so that the business had been actually broken to the French Government.

Neither these representations, nor yet your application, appears to have suggested a requisition of the guarantee.

The omission to demand its fulfillment up to this day, is a proof that their policy did not approve of such measure: and in this they were wise, since we should have been less advantageous to them by associating in the war, than we have been to our neutral character. If I am not mistaken, this sentiment has been delivered often by Mr. Fauchet. Besides, you might have very readily repelled any serious allusion to the guarantee, by saying, as your instructions indicate, that you were directed to send that subject on this side of the water. I must add another observation; that I do not see how, if you are to be delivered by the guarantee, you can have claim compensation for an infliction of the treaty, since you will always be in danger of having it brought up to you.

But, my good sir, let these things be as they will, was it necessary to intimate that an indifferrence prevailed in our Government as to these articles, by a declaration that you were not instructed to complain of the decree? I confess that I regard the data upon which such an opinion could be founded; and undoubtedly the President himself would not undertake, that the People of the United States would bear with patience a departure from stipulations which are generally believed to be important to us. But, if, from our friendship to the French republic, we might sustain a mischief with pleasure, still, we should not choose that the assumption of one of our rights, without consulting our mind, should become a pretext for the assumption of any other.

Let me, therefore, entreat you, if my letter of July 30th has not already stimulated you to remonstrate against the decree, to do so without delay. We do not wish you to swerve from the line of conciliation which is marked out in the last paragraph of your letter. On the contrary, conciliation, which does not detract from the dignity of his Government, its rights, and his own self-respect, is a valuable quality in a minister. We only hope that the committee of public safety may not continue in the belief that the Executive are of opinion that it will be satisfactory to dispense with the articles.

I am extricating myself assuming that many of Mr. Fauchet's discontents have been removed. The documents concerning the failure to salute the Semillante, and the supposed insult to the Favorite, are enclosed to you, that you may be able to evince our solicitude to cement our good will on every occasion which is offered.

Colonel Alexander Anderson, of this city, who has a claim for compensation, and whose agent will call upon you, requests me to forward the enclosed papers. I also transmit some imperfect preparatory information in the case of Mr. A. Gracie.

A fresh collection of spoliation papers is sent, according to the list subjoined. The newspapers, &c, accompany this letter. I am, &c.

EDM. RANDOLPH,
Secretary of State.

French Spoliation, December 24, 1794.

1. Ship Commerce, Enoch Preble; additional.
2. Schooner Polly, Pricey additional.
3. Sloop Maysy.
6. Danish ship Krugerose.
7. Brig Hector; additional.
8. British ship Mary Ann, and the ship John and James.

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, December 5th, 1794.

Sir: Since my letter of the 30th ultimo, which will be conveyed by the same vessel with this, I have had the honor of receiving your very interesting letters of August 13th and 25th. They are the more acceptable, as affording an earnest of your attention to the kind of intelligence which is, to us, very important.

We are fully sensible of the importance of the friendship of the French republic. Cultivate it with zeal, proportioned to the value you set upon it; but remember to reserve a share in the world of nations, with great Britain, or in any manner weakening our old attachment to France. The caution suggested in my letter of the 30th ultimo arises solely from an honorable wish to sustain our character of neutrality, in a style which may be a pattern for the morality of nations. The republic, while they approve of the purity of your conduct, cannot but be persuaded of the purity of our affection.
The President approves your conduct as to the national house offered for your residence. Your interpretation of the constitution is correct. But you are charged to make known this sense of this evidence of respect. The affair of the consil is noticed in my letter of the 33th ultimo.

I have the honor to be, &c.

EDM. RANDOLPH.

Secretary of State.

From Mr. Monroe to the Secretary of State.

Paris, January 13th, 1795.

Sir: I have the pleasure to inform you that, upon the report of the united committees of public safety, legislation, commerce, and finances, a decree has passed the Convention, since my last, whereby it is resolved to carry into strict execution the treaty of amity and commerce between the United States and this republic. I beg leave to congratulate you upon this event, and particularly the unanimity with which this resolution was passed, the universal opinion generally, towards us. I was not, therefore, surprised, that if I could have brought the subject, in the first instance, before the Convention, I should have succeeded immediately in it. But as the committee was the department organized for such purposes one from this, Jay, announced to it the most favorable circumstances of which he had had an opportunity, and which, however, as it might tend to increase their own disensions, and embark me upon the fortune of those dissensions. Happily, by pursuing the object patiently with the committee, removing doubts, and obtaining objections, aided by occasional changes of the members, this has not only been avoided, but I have additional pleasure to assure you that it was finally accomplished, without the least difficulty, and without exciting the animosity of any one.

After my last communications to the committee of public safety, in which we were exposed freely the object of Mr. Jay's mission to England, and the real situation of the United States with Britain and Spain, I had reason to believe that all apprehensions on those points, were done away, and that the committee would be cordial towards us. I considered the report above recited, and upon which the decree was founded, as the unequivocal proof of that change of sentiment, and flattered myself, that, in every respect, we had now the best prospect of the most perfect and permanent harmony between the two republics. I am very sorry, however, to add, that my hopes have been too easily raised. Mr. Jay has pointed out the points in controversy, and concluded a treaty of commerce with that Government. Some of those accounts state, that he had also concluded a treaty of alliance, offensive and defensive. As I knew the baneful effect which these reports would produce, I desired it my duty, by repeating what I had said before of his powers, to use my influence to prevent any such plot; however, did not arrest the progress of them. I was requested to remove the disquietude it had created: for I was finally applied to, directly, by the committee, in a letter, which stated what had been heard, and requested information of what I knew in regard to it. As I had just before received one from this, Jay, announcing that he had concluded a treaty, and which contained a declaration by our partners, that all treaties should not be affected by it, I thought fit to make this letter the basis of my reply. And as it is necessary that you should be apprized of whatever has passed here on this subject, I now transmit to you copies of these several papers, and which comprise a full statement thereof, up to the present time.

I cannot deny, that the object of his mission is of the utmost importance, and that any thing has been done which will give just cause of complaint to this republic. I lament, however, that he has not thought himself at liberty to give me correct information on that subject: for until it is known that their interest has not been wounded, the republic will not think of the association made by the members to the treaty, to its advantage. But I am confidence the bonds of friendship. I trust, therefore, you will deem it expedient to advise me on this head, as soon as possible.

I apprized you, in my two last letters, of an informal communication between the diplomatic members of the committee and myself, upon an interrogatory of theirs, whether it would be possible for France to obtain aid from, or with the United States, for the purchase of arms, and of my effort upon that occasion to interest this Government in support of our claims with Britain and Spain, and to which I was stimulated by intelligence that Mr. Jay's negotiation had failed, and that we were on the point of war, or actually engaged in it, with Britain, as likewise by the knowledge that Spain was covertly seeking a separate peace. I was satisfied that, if France would embark in our cause, in the manner of Mr. Jay, and of my efforts upon that occasion to interest this Government, it would be of the utmost importance, not only on the rights of humanity, but on the success of our establishment in the affairs of the Government. It has been the systematic effect of the administration to repair this waste, and heal the bleeding wounds of the country; and in this, great progress has been made. By the same report which proposed the policy of the violated treaty, the convention of amity and commerce, was likewise proposed to open wide the door of commerce between England, and France, (excluding them from navigation only,) and was adopted: so that, at present, any person bringing productions into the ports of this republic, may sell them to whom he pleases, and generally with astonishing profit. The agents of the republic stand upon the ground of other persons, (excluding the judgment of the Committee,) as to whether they are legal or illegal, wherever they may be. And under a particular state of things, some benefit may be derived from it, and no detriment under any.

The operations of this Government continue to progress in the same course they have done for some time past. During the time of Robespierre, a period of the administration which is emphatically called the reign of terror, much that has been made, not only on the rights of humanity, but on the success of our establishment in the affairs of the Government. It has been the systematic effect of the administration to repair this waste, and heal the bleeding wounds of the country; and in this, great progress has been made. By the same report which proposed the policy of the violated treaty, the convention of amity and commerce, was likewise proposed to open wide the door of commerce between England, and France, (excluding them from navigation only,) and was adopted: so that, at present, any person bringing productions into the ports of this republic, may sell them to whom he pleases, and generally with astonishing profit. The agents of the republic stand upon the ground of other persons, (excluding the judgment of the Committee,) as to whether they are legal or illegal, wherever they may be. And under a particular state of things, some benefit may be derived from it, and no detriment under any.

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FOREIGN RELATIONS.

[1797]

Nor has this wise and humane system been limited to this object alone. It has already been extended to many branches of the French system of public policy, and proceeds to embrace the whole. A decree was not long since passed, by which the seventy-one members, formerly of the Briisonne or Girondine party, and who had been confined on that account, sat at liberty, and called into the Convention. And a few days afterwards, our countryman, Mr. Paine, was likewise restored to his seat in that body. These were the marks of a new spirit in the policies of France, given to the guidance of the majority at large. A decree, also, which had excluded the nobles and foreigners (the Americans excepted) from Paris and the seaports, has likewise been repealed. This latter act, though apparently a little importance, has, notwithstanding, produced an excellent effect; for, as it breathes a spirit of humanity, and an that accord captivates all, so it has contributed, by passing in review many, and much to the credit of the Revolution, the strong and interesting contrast between the main character of the French nation at the present day, and the miserable effeminacy, folly, and decrepitude, of formidable power.

A decree has likewise passed, by which a general amnesty has been proclaimed in the Vendéen and a report has been received from the deputies who were sent to carry it into effect, that all those to whom it was announced had lain down their arms, and arranged themselves under the banner of the republic; and that they were likewise satisfied with the terms they received, and would take no steps to recover arms, or form a new government, and would maintain the means of continuance, appear even yet to be but little understood. Freed from this embarrassment, the republic will acquire new vigor in all its enterprises; it will certainly have under its command, for other purposes, a considerate force, which was heretofore employed there.

But in retracing the ground, to repair in detail the injuries which the reign of terror had inflicted, it was impossible to behold the havoc it had made, without feeling some indignation for the authors of such great and cumulated misery. This propensity, however, and which was equally incited by the obligations of justice and humanity, was strongly opposed, from the period of Robespierre's death to the present time, by a constant of extensive impression, that it would be better to prevent the further effusion of blood, and to cover with a veil the atrocities which had passed, so far as they could be covered, than to punish even those of greatest enormity. For some time this sentiment prevaile,

nel and though often irritated and disturbed by the remaining leaders of the opposite party, who courted danger and held out the hope of their impending fate, not it appeared probable it would finally prepare to calm and conclude the events within that limit. The trial, however, of the Nantes, a long train of respectable citizens at Nantes, who were arrested under the administration of Carriere, in his mission there, and brought lately before the tribunal of Paris, opened the scene again, and revived the sensation of horror, which had before in some measure subsided. Such events, indeed, in the course of a real trial, those, it is noticed, that were sent by submitting, Carriere, and his accomplices, to the tribunal, in their turn. Condemnation was the sure consequence of their trial, and it was expected, so clear was the case against him, that all those formerly of that party would now separate from and yield him. But in this, as in such a line, events are not in their line. Some of the leaders might have been arrested, and the party driven back; but a great measure on him alone; by whose punishment too, the public retribution might possibly have been satisfied. But Billard de Varennes, Collet d'Herbois, and even Barrere, a man heretofore noted for skilful movements in critical conjunctures, acted otherwise. They obviously, and from the beginning, made Carriere's cause their own; not only in defending him in the court, but as it was possible, but by exciting the Jacobin to take part in his favor; thereby attaching themselves to the declining fortunes of that club, and likewise making some unseemly motions which bore on their face the complexion of that. The separation required at best a dexterous management; but by these means they presented themselves out as an object, invited the public attention, and in the degree, the event took place. It was proposed to bring in a decree, by Leoncure, who had shown himself sufficiently prone, upon a former occasion, to commence the attack, took advantage of one of these moments of indiscretion to renew it, and with better effect. His motion was sent to the commission of twenty-one, before they could consider it, and the question whether the decision which had been passed on the said Carriere was not obtained over the Spaniards, since my last, and in which the two commanding generals, many men, were slain, and nine thousand taken prisoners. And in the North, since the ice, nearer approaches are made to Holland, which will most probably soon be taken. Within a few days past, deputies arrived from the States, at the request of that nation, this was by no means likely, for the two parties that carried the House, do not; and in reading it, who pressed the committee to order forward the troops immediately, to assault and enter; Amsterdam; and to which effect orders were accordingly issued. I am satisfied that peace will not be granted to the Netherlands, although a revolution should take place there, on any other condition than that of their uniting in the war against England. It is conceived that a peace to that Power, on other terms, would be more favorable to England than its continuance in the war: for thereby the British troops might be withdrawn, and great advantage gained in other respects from its neutrality. This, it is thought, is the object of England in ascertaining to their peace; but, in rejecting the propositions of the French, by which they promised to be in as close, and Mr. Jefferson, wrote to Mr. Paine, that great as the war, on the weight of our National credit. No argument is so strong as that of necessity, and if France will not make peace it will be impossible for England to do it. In my judgment, it is the determination of this republic to pursue the war until the maritime strength of England is broken; and when the actual state of things is regarded, with that of the comparative power of both nations, it is clear that this is the sense of the French nation, it is the only object that accompanies the object, and the rapidity in which they ship, are simple, and fleets equipped, here, is inconceivable. Within a few weeks past the Brest fleet has been out twice, (indeed it is now out) consisting of thirty-six ships of the line, fifteen frigates, fourteen squadrons of war in and cutters, giving the delusive to its antagonist, which continues close locked to the land. More latterly, however, some indications were seen on that coast, of a disposition to seize the sea, and hazard the fate of the island on a battle, so that it is probable something decisive may take place soon.

With respect to the other Powers, nothing definitive has yet been done in regard to peace. It is certain that several wish it, and particularly Spain and Prussia; but yet some difficulties have occurred in regulating the commencement and manner of the negotiation. England opposes it, because she knows she will not be included; and they, on that account, wish it to be private, merely to avoid the imputations that would arise if it were known; and this cannot well be accommodated under the present organization of the French Government. It is said that a ministerial committee was to be in Berlin, in Switzerland, with power to treat; and that they all have agents there for the same purpose is likewise probable.

I will endeavor, if possible, to forward by this opportunity a report rendered to me by Mr. Skipwith, upon the American claims. Be assured that every possible attention has been, and shall be, paid to this subject. I take the opportunity of informing you that the Committee of A. L. F. is still continued for the purpose of public safety, of the other house of the Convention for carrying into effect the treaty of amity and commerce between the United States and the Polish territories; however, in which it is expressed, merit attention.

From Mr. Monroe to the Secretary of State.

Paris, February 1, 1795.

Sir:

I was lately informed by Mr. Jay, that it was his intention to communicate to me the contents of his treaty with the British administration, and as I know the good effect which correct information upon that point would produce upon our affairs here, (admitting it to be as heretofore represented) I thought it my duty to endeavor to avail myself of the present opportunity of communicating the same to you. He has taken his copy with him, I knew that I should not be able to comprehend it, in case it was received. I therefore deemed the acquisition of it an object of sufficient importance to authorize the expense of an especial despatch to London, to obtain it, and have, in consequence, committed that trust to Mr. Purvisance, of Baltimore; who left this immediately after the receipt of Mr. Jay's letter, and who was likewise instructed to bring me a copy of Mr. Pinck-
France.

Of course, the document does not contain any letters or sentences as they are not visible in the image. The text appears to be a collection of random letters and numbers, which does not provide any meaningful information. Therefore, it is not possible to transcribe or interpret this text in a natural language format.
From Mr. Monroe to the Secretary of State.
Paris, February 19th, 1815.

Sir:—I was honored with yours of the 9th December, three days since, and by which I find that my third letter only had the effect though the proceeding, with which it was forwarded according to their respective dates, and by opportunities which promised security and despatch.

I read, with equal surprise and concern, the strictures you deemed it necessary to make upon some particulars of my conduct here, because I thought it did not merit them, and trust, upon a further view of all circumstances, you will feel no objections to my line of conduct. Giving up this time, you will possess a general view. A more particular detail, however, I think proper now to communicate.

It is objected, that I addressed the Convention with a glow of sentiment not warranted by my instructions.

Secondly, that I made public what was intended, and proposed only in a private and confidential manner, in order to keep them before me at the time, and drew it by them; of course I thought it did not, and I now think so. The force, however, of this objection, is, I presume, comprised in the second: for, if the communication had been in private, and not in public, the objection, most probably, would not have been made. Upon this point, therefore, a more particular detail is unnecessary, and, for this purpose, a full view of the circumstances and motives which influenced my conduct, equally so.

Upon my arrival here, I found our affairs, as it was known they were before I sailed, in the worst possible situation. The treaty between the two republics, though vainly pressed by the committee, or the governing party in it, were disposed to delay my reception, throw me entirely out of view, and destroy altogether the effect of my mission. It was said, that, as my principles were with them, I ought, on that account, to be the more dreading: for, if they confided in me, I should only pull them asunder, and, under the impression on foot, I was viewed with a suspicious eye, and kept at the most awful distance. This deportment towards me was so observable, that it attracted the attention of the representatives of other Powers here, and was, most probably, communicated elsewhere.

Into what consequences this policy, which was hostile to us, might lead, I could not readily perceive; but I was alarmed on that head; and for well knowing that I was circumstanced against our Executive, and not under the impression, and in which shape it threatened to break out, pursued with passion, as I had reason to apprehend it would be, to found on our national character, but likewise disturb our internal tranquillity, and, perhaps, involve us in war.

The effect of it, was, in the first step and the idea from which it was prosperous, I was fearful it would be taken. Thus circumstances, what course did policy dictate that I should pursue? Did it become me to look on as a tranquil spectator of machinations that pertended so much mischief to my country? or, was it more wise, more consistent with the obligations of the trust which I had accepted, to make a decisive effort to defeat them? After adopting the latter counsel, in what line should that effort be directed, or by what means enabled to succeed? The doors of the committee, as already mentioned, were closed against me; and, had it been otherwise, knowing, as I did, the disposition of that body towards us, would it have been prudent to have deposed those documents under its care, since they furnished the only means by which I could carry a negotiation through? But my presence there was a necessary condition upon which the Powers would produce, in the councils of that body, any change of sentiment, advised as it had been, and armed as it was, with a series of contrary evidence, and in which it would place a greater confidence? I can assure you, with great sincerity, that, had I been taking it in my professional capacity, I should have regarded for this nation and its Revolution, (though indeed the word was not used) the people at large were settled on the right side. The abettors of a contrary doctrine were, in a great measure, confounded; and as soon as the impression upon the public mind had time to react back upon the public councils, aided by the little incidents I caught at to inspire confidence, together with a change of the members of the committee, was the object, even in that body, though slowly, yet finally, completely accomplished.

But you intimate that I ought to have shunned this publicity, from the fear it might injure our depending negotiations with Britain and Spain. Had I seen cause to apprehend that consequence, I should certainly been more averse to the measure. But that there was none, on the contrary that it would produce the opposite effect, was, in my opinion, certain. In demonstrating this, permit me to develop, according to my idea of it, the object of Mr. Jay's mission, and the contingencies upon which his success depended. This will show the relation which mine had to his, and more satisfactorily than I can otherwise do, the motives, in that respect, of my conduct.

I understood that the sole object of Mr. Jay's mission was to demand the surrender of the posts, and compensation for injuries, and was persuaded that his success would depend upon two primary considerations—the success of the French armies, and the state of the public debts, most particularly the former. Under the consideration of these events, I concluded that his mission would fail: for we know that a long and arduous negotiation for the first object had already proved abortive, and we saw in the preceding year, when Toulon was taken, and fortune seemed to favour upon the arums of this republic, that an order was issued for those spoliations of which we so justly complain. We likewise saw afterwards, when the spirit of this nation was roused, and its victory attended its efforts, that that order was rescinded, and some respect shown to the United States. Thus it appeared that our fortune, at least so far as depended upon Britain, and of course the success of Mr. Jay's mission, depended upon that of France.

In that case, therefore, it could not redound to our advantage, and especially in the negotiation with Britain, without a good understanding and concert with the French Government: for without which, we could neither count upon success in negotiation, nor in case it failed, upon the fortunate issue of arms, if war should be appealed to. But we were under hopes that any other than the appearance of the British forces, not that we were not accommodated, we would join in the war against them: we could not accept it at the price of an equivalent, and thus pay again for what was already ours: nor could we expect it from the affection, the justice, or the liberality of that court: for we well knew, that if it had possessed those virtues, we should not have had any complaint. But we could not join in the war, nor even avails ourselves of that argument in negotiation, without a concert with France: for, without such concert, we might commence at the moment she was about to conclude whereby we should be left alone to contend with that Power, who would probably be supported by Spain. If, then,
it is a doctrine, and it is admitted that the success of Mr. Jay's mission depends upon a good understanding of facts, and it is essential that we should possess all the information we can, before we attempt to evaluate the effect of such an event. It is of course, in the public interest that this event should be accurately estimated.

It has been well known that, if any such concession has been made, it was immediately communicated by its instruments here, and for the purpose of weakening the confidence of this Government in our own—a practice systematically pursued heretofore, and with the hope of separating, or at least of preventing, any kind of concert between the friends of peace and the promoters of another war. I am well aware of the motive for greater caution would have been stronger. But the case was in every respect otherwise. Her fortunes were at the height of prosperity, and those of her enemies decisively on the decline. It was obvious that nothing was wanting to preserve tranquility at home, but the good understanding of this republic towards us. By the measure, therefore, I thought that every thing was to be gained and nothing to be lost.

Upon the third point I have little need be said. I have some time transmitted to you a decree which carried the treaty into effect, and yielded the point in question. Satisfied I am, too, it was greatly forwarded, if not absolutely obtained, by the manner in which it was urged: for a generous policy is better calculated to produce a good effect here, than a strict one: and other than in this light my declaration cannot be considered. Surely I did not concede the point, nor intimate an indifference upon it: on the contrary, I labored, with the greatest force of which I was capable, to induce the French Government to remain in their present position. But, I am conscious, as well as thou, that it was not in their power to make a stipulation as this, they would not be on the slightest inclination. In the interval between the period of those communications which were made by me to the committee, explanatory of our situation with Britain, Spain, &c. and the arrival of the intelligence of Mr. Jay's treaty, the indications of this disposition were extremely strong, for at that time I had reason to believe that it contemplated to take under its care, and to provide for, our protection against Algiers; for the expulsion of the British from the Western posts, and the establishment of our right with Spain to the free navigation of the Mississippi, to be executed in the mode we should prefer, and upon terms perfectly easy to us: terms, in short, which sought only the aid of our credit to obtain a loan from our own lands for an considerable sum, to be laid out in the purchase of provisions, within our own country, and to be reimbursed, if possible, by themselves. But, by that intelligence, this disposition was checked, but not changed: for it is with the course of opinions, as with that of bodies, and which are not easily be forced in an opposite direction, after they have decisively taken a particular one. I mention this for your information, not indeed in that manner of manner, but still inclined to believe that, if the arrangement with England, or the negotiation with Spain, should fail, it is possible, provided a suitable attempt be made here before a peace is closed with those Powers, respectively, to accomplish the whole through the means of the French, which, perhaps, would be disposed to be rather than those who would rightfully subject us to the imputation of a breach of neutrality. Well satisfied I am, that the full weight of its fortunes might be thrown with decision into our scale, and in a manner that would enable us to take those fortunes to the best account in negotiation.

Mr. de Lafayette was lately set at liberty and, although I could not make a formal application in her favor, yet it was done in accommodation with that which was informally made. She attended immediately at my house, to declare the obligation she owed to our country, and of which she manifested the highest sense, and on her return she said, she thought it was time we made the most of the occasion, and in consequence required aid, not only for present support, but to discharge the debts that were already due, and for which she applied to me: and was thereupon furnished with a sum in assignats, equivalent to about one thousand dollars in specie. I made this advance upon the principle that it was my duty to do it, as the representative of the United States, and in the expectation that the like sum, which would be paid to my order by her bankers in Amsterdam, would be taken from the fund appropriated to the use of her husband by the Congress in the course of the last year. Is this approved? and may I, upon that fund, make advances, adequate to her support, and for which the interest will be charged.

A treaty of peace, or rather of amity, with Tuscany, with the progress of a revolution in Holland, which has been more rapid than I expected it would be, are the only events worthy that have taken place since my last, and for more particular details respecting which I beg leave to refer you to Mr. Adet, to whose care the present is committed.

P. S. I herewith enclose you a report from Mr. Skipwith, upon some cases that were noticed in your last dispatch; as likewise upon some others, upon which application will most probably be made to you, and whereby you will be enabled to give satisfactory information to the parties concerned.

From the Secretary of the State of the United States to Mr. Monroe.

PHILADELPHIA, February 13, 1793.

DEAR SIR: The last date which I have received from you, is of the 16th of September, 1794, and it has been duly acknowledged and duplicates. It occasioned no small anxiety as to the issue of many points which you had brought before the French Government: especially incident to the project of suspending the reestablishing the stipulation between the United States and France, making goods free which are found in free ships. It has appeared only in a translation, and there is ambiguity enough in its present dress to lead us to hope that the treaty may have been designed at the beginning of the clause, to be in full force, may possibly be an exception still, to the general provision for condoning hostile property in neutral bottoms.
We do not doubt that we should have obtained the most ample explanation of this, and every other of our relations to France, had not the advice boat, which was lately despatched from hence, been captured by a British frigate.

Mr. Oudard, formerly, and Mr. Adet recently, have been appointed in his place. If this should be true, and Mr. Fauchet is, as we suppose, unaccompanied towards the French interest, it is rather an unpleasant circumstance that, upon a change of party, we are to expect a change of minister. However, the only thing which really concerns us, is, that the representative of the French republic in the United States should lay aside all intrigue, and imitate ourselves in a course of plain and fair dealing.

We confide that you have lost no opportunity of fixing the friendship of the two countries upon solid grounds. On our part, we really do all that we can to form one in every respect. The legislative act, which has within these few weeks enabled Mr. Fauchet to use, by anticipation, the instalments of the French debt due in September and November next, amounting to two millions and a half of livres. But I am afraid that Mr. Fauchet, and probably the French nation, have been urged to believe that the treaty said to have been concluded by Mr. Jay with Great Britain, interferes with our engagements with the United States, and that thecconduit is not to hand yet, and therefore before I can deliver no decided opinion on it. But, so far is this from any instruction to Mr. Jay, that I am persuaded he could not think of a treaty having such an object. In the principal heads of the negotiation—the surrender of the forts, the exchanges and stipulations of our creditors, and the union of British, Dutch, and Spanish colonies and possessions—there is no provision for the production of a treaty which shall interfere with the access to the West Indies, with as few restrictions as possible, must be desirable to us. But let the possession of them ultimately centre in France or England, we shall, I presume, be unfettered by our contracts with the one, so as to be at perfect liberty to contract with the other.

I shall give you no comments upon the proceedings of Congress until they rise, which will be in a fortnight hence. At present, you will receive by the French ship, which Mr. Fauchet despatches, your quota of newspapers.

The conduct of Spain towards us is still very variable and injurious. Mr. Pinckney is over to Madrid, and is said to have brought matters to a conclusion some way or other. But you will seize any favorable moment to execute what has been entrusted to you respecting the Mississippi.

Colonel Humphreys, our minister for Lisbon, being disappointed in the loan which was to be opened to the relief of our captive nation, is at the moment of going to press engaged in trying to procure it. But I understand that we have heard nothing of late concerning the friendly interposition of France with the Dewy, we beg that the influence of our ally may be exerted in this great cause of humanity.

I am, &c.

EDM. RANDOLPH, Secretary of State.

Mr. Monroe to the Secretary of State.

PARIS, February 18, 1795.

I have just been honored with your favor of the 30th December, and an answer gratified by its contents. The preceding one of the 2d, I shall give me great satisfaction, but this has reached me. I sincerely wish my two first letters had reached you in the order they were written, as they would have prevented yours of the 2d December, by preventing the impression which gave birth to it.

Be assured I shall continue to forward, by all the means in my power, the objects of my mission, and I am persuaded Mr. Jay will assist me in every means which might result from those efforts, addressed to the councils of a nation well disposed favorably to receive them. The object of this is to acknowledge the receipt of your last letter, and in the expectation that it will accompany, under the care of Mr. Adet, my last dispatch, which was in answer to the preceding one.

Mr. Monroe to the Secretary of State.

PARIS, March 6, 1795.

I avail myself of the opportunity of Mr. Adet, who leaves this to succeed Mr. Fauchet, of transmitting here with some communications which have lately passed between the committee of public safety and myself, upon the subject of my interesting claims with Spain; and which will serve not only still further to illustrate my former dispatches upon that subject, but likewise to show the precise meaning which I attached to the understanding, so far as I have been able to comprehend it, which was the basis of the articles of Commerce, which I have recently been informed have been signed with that full power on the part of Spain, which before our differences were compromised. Thus circumstanced, I deemed it my duty, in conformity with my instructions, and the more especially, as they had no right to make any inference with respect to that project other than I had stated to bring the subject more fully before them than I had before done. The papers enclosed, which comprise the whole of what passed between us upon this subject, you will observe a note of Mr. de Dauny, and which, though given by a single member, and in reply to an informal application, yet, as it marks a retaining solicitude upon the transaction to which it refers, I have thought it equally my duty to transmit for your information.

No peace is yet made with Spain, nor indeed with any other Power, Tuscany excepted, which was before communicated but it is still probable that one will be made with that Power, and likewise with Prussia. It is, however, well known, that England is against it; and as they will, if necessary, shew that necessity exists, it is possible that those arguments which are used by the minister in the House of Commons, to forward the preparations for war, may have weight in the cabinets of other Powers, and incline them to protract any definitive arrangement with this republic, until just before the commencement of the campaign, in the hope of profiting in the interim by such events as the chapter of accidents may throw their way. But I cannot think, if the tranquillity which now reigns here should remain unadulterated, and the incidents of the interval, in other respects prove favorable to the Revolution, that either of them, and especially Spain, will hazard the probable evils of another campaign, for any benefit she can possibly expect from it. In truth, the state of the war, so far as they were ever understood, are now understood, is such as it is possible for the calms of the republic was among them, that must of course be considered as abandoned. Or if the restoration of the ancient monarchy was the sole hope of accomplishing it by arms must now likewise be considered as gone. Nations acting entirely on the defensive, never dream of conquering. The only remaining moment when the confidence Powers can depend on the success, is founded in the possibility of some internal commotion being excited by the scarcity of provisions, the derangement of their finances, or the divisions of their councils—calamities, it is true, or either of them could, if rendered too violent, provided it attained to a certain height, which it admitted would be sufficient to produce the effect that is the object aimed at.

But whether France is threatened with real danger from this source, or either of those views, the problem is to be solved. Upon the two first points, I do not pretend at present to be able to decide with certainty; indeed, the best informed can only conjecture. Bread I know is scarce in some parts; and it is possible much distress may be experienced in those quarters, if foreign supplies are not obtained, and in great amount; but these are expected from
the North and from America. It is probable, too, that this scarcity has been increased by the speculation of individuals, and in which case it will diminish as the exigency disappears.

Nor am I skilled in their financial policy. When I arrived, the assigns were depreciated in comparison with specie at the rate of five pounds to one. The assignats and the sums occasionally emitted, are wonderfully great, and the depreciation must follow as a thing of course. What measures will be taken with the paper is yet doubtful. Formerly, it had depreciated in equal or greater degree, and then it was elevated to par, by striking out of circulation all the bills of a certain description, securing those remaining, and giving the nation a control over the public resources. It was urged that the nation was in a position to regulate the price of every thing. Whether some measures of the like kind will be again adopted, or whether any attempt will be made to appreciate the paper, is equally uncertain. Many consider the appreciation as an evil to be avoided, preferring to continue the paper, and thus gaining a private contract, and redeeming the whole at the rate it passed in the last stage of circulation. I think it probable this latter policy will finally prevail, as it is advocated with ability and zeal by some who were tutored in our school.

The subject, however, is still under discussion, and nothing absolutely decided on it. If this latter plan should be preferred, the paper will take the place of specie or even perhaps of currants of 1793. It will probably elapse before the final suspension; and after this, the republic will stand nearly upon the same ground on which it commenced. Its debt will be but small, and it will possess, besides the ordinary resources of taxation, &c. national domains to an immense amount; equal, by estimation, to at least two hundred millions sterling, in specie; supported interest of the 3d and old 3d (October, 1792), and the invasion of the 3d will threaten the arms. I will, however, take a more accurate survey of this subject, and give you the result as soon as possible.

And upon the subject of those dangers which are presumed to menace the safety of this republic from the division of its body, I have but little to add at present to the details already furnished. The papers heretofore forwarded, contain the report of the commission of twenty-one, upon the denunciation of Barrere, &c. and which finds cause of accusation. As soon as the report is printed, the denounced will be heard before the Convention, who will decide, by what is called the appel nominal, for their acquittal or trial; and in the latter case, they will, in convention, be embodied and arranged against the government. This, in my opinion, is a mistake; for the danger to which the government, previously abscond, as one of them (Vader) has already done, and which it is wished, even by those most active in the prosecution, they all may do. This particular incident will not be new to you, and in other respects, the counsels delivered to you from the time of my arrival have been repeated. In contemplating the possible effects of this prosecution, or what may be called a division of the public counsels, the friends of the Revolution have cause to regret that, since a decision upon the conduct of these members was taken, it was not sooner taken. If it had followed immediately after the execution of Robespierre, it would have been more effectually bringing the party collision, too frequent, and the want of precaution, to the government dangers which would not otherwise have existed: for by the delay, the twofold crisis of the trial, and of famine, or rather the scarcity of provisions, will take place precisely at the same moment; than which there certainly could not be a coincidence of events more favorable to the views of the imprisoned Powers, or unfavorable to those of the Dutch. In the original course of this transaction, that, although the preponderating party has denounced, and may finally execute, these members, it has, notwithstanding, acted rather upon the defensive than otherwise. Had the prosecution been undertaken with that degree of zeal and vigor, of which so decided a member as Sane could be capable, no one, since they have carried off, has much to fear. Of course, they have obviously no plan; nor indeed is it probable there was any on the other: for I am convinced that the real object at least four out of five, on both sides, has been to complete the Revolution. The coincidence, therefore, must be deemed one of those unlucky, but fortuitous arrangements, forced by the course of events, not to be controlled, and under which the preponderating party, who is, in some respects, the cause of them, has been the last to act. The conclusion is, perhaps, the more convincing because of the repeated tendency to demonstrate the truth of this position. Nor have the citizens of this republic merits of these other respects, the reputation for truth and licentiousness, often ascribed to them in foreign countries; for it is unquestionable that, the great atrocities which have stained the different stages of the Revolution, and particularly those committed in the 3d and last September, are irreparable by any public sentiment. And terminated in the arrrestation and destruction of the Girondine party, did not proceed from a licentious commotion of the people. On the contrary, it is believed that many of the immediate agents in the first were not inhabitants of Paris. From Paris itself, and some even from Italy, put in motion by some secret cause not yet fully understood. It is also affirmed, that the great mass of the people of Paris were ignorant of what was perpetrating at the time of the transaction, and that those who knew of it were struck with the same horror that we were when we heard of it on the other side of the Atlantic. And the movement of the 31st of May, when they were called to the guillotine, showed them what was the movement, a movement in their part, in obedience to the law, and for which they were regularly summoned, and commanded by the ordinary officers. It is said that the great mass knew nothing of the object to which they were to be made instrumental; that the secret was deposited with a few only in the Convention, as Robespierre, Danton, &c. who governed the operation, and the Mayor of the city, the Gen. A.M. his secretary, and the other marshals of the city. The party in the house which controlled the movement, knew how to turn it to good account. The Mayor, a partis- San of Robespierre, &c. had a few days before presented a petition, demanding the arrrestation of the twenty-two members, and was heard by the house: he undertook to frequent the house by Convention, a leading member of the same party, that they, the most discontented, and which he said occasioned the movement in question, and threatened the annihilation of the Convention, could not be satisfied, unless those obnoxious members were arrested. And as the Girondine party did not control the movement, or know any thing about it, otherwise than as appearances announced, and which were true. The mover of the petition was the brother of the dead, the other members of the house, of course, were to be true, and the members in consequence arrested. Thus, by mere finesse, and under a dexterous management, the Girondine party was completely over throwed, and the Mountain party as completely established on its ruins, and the people, long in profound darkness, in a state of profound weakness, as in a state of profound fright. The fashionable people, in clumb show by the latter, were the object of terror, and the cause of the overthrow of the former, notwithstanding it was as it were a species of the execution of the law, and equally so in the public estimation.

These latter details may, perhaps, appear inapplicable to the subject; but, as I consider them of some importance, as well from the side of the Revolution as from that of the Republic, I have thought it my duty to make them known to you. I have the honor to be, sir, your obedient servant, W. L. W.
suggest. Permit me to ask, is he an American citizen? and if so, whether by birth or naturalization; and, in the latter case, whether he became such since the Revolution? If, in the last description, his arrival will subject me to great embarrassments, and, for reasons given in my fourth letter, of the 18th October last; and to which, with those from the commissary of foreign affairs to me, transmitted at the same time, I beg leave to refer you. I candidly think, if his situation is known, being a person deemed by the English law a subject of that crown, he will not be recognized, or if recognized, not without great reluctance. Shall I announce him, then, withholding a communication of the fact, admitting it to be a fact? In case I do, and it is afterwards discovered, what will be the impression of this Government towards myself, and especially after what has passed between us on the same subject: finding that I had placed, without their knowledge, in office, and immediately in the presence of the public councils, a person of a description against which they had particularly objected? And that it will be discovered, and immediately, in most certain: for there are already letters for him here from England, and these will most probably be multiplied tenfold after his arrival; besides, the character, &c. of every foreign agent, and of every grade, being an object of systematic political inquiry, is always well known. But admitting the acquiescence of this Government in it, in other views this subject merits attention. It is to be observed, that a great proportion of the business of our countrymen here is transacted with the Government. The adjustment frequently requires my official support. If, then, he does not possess the confidence of the Government, he will not only be unable to render that service to our countrymen which he expected from his station, but, as he will be brought officially into frequent and familiar communication with me, it will follow, that precisely that portion of distrust to which he is subject, will attach itself to me, and produce a correspondent effect, to a certain degree, upon every subject depending here in which we are interested. I know well that, if my fourth letter had been received, I should not have been placed in this dilemma; but, upon the fact as it is, I do not know, I console myself under the idea that it will, but, by delaying his departure until that letter was received, put it in your power to reconsider the appointment.

P.S. March 2. Since writing the above, I have been explicitly assured by Mr. Pellet, a member of the diplomatic section of the committee of public safety, that, in confidence, Mr. Jay's treaty contained nothing which would give uneasiness here; they had expressly instructed their agent, now negotiating with Spain, to use his utmost efforts to secure for us the points in controversy between the United States and that Power. In consequence, I thought proper to inform you of the circumstance, and to intreat you to make proper exertions in order that the negotiation might be conducted with the utmost propriety, and with the utmost effect. The authority of that committee was, and is, in the hands of Mr. Mountflower, the agent of the United States; and I likewise enclose with the report of Mr. Mountflower, by whom it was delivered. What the success of their endeavors in our behalf may be, is uncertain; but we cannot expect the conclusion of their own treaty will be long delayed, or that it will not be favorable to our views.

I had forgotten to notify you, officially, the present I had made to the Convention of our flag. It was done in consequence of the order of that body, for its suspension in its hall, and an intimation from the President himself, that they had none, and were ignorant of the model. I herewith send you a copy of my note to him accompanying it.

From the Minister Plenipotentiary of the United States of America to the Committee of Public Safety.

Paris, January 25, 1795.

I have thought proper to present to your view, in the enclosed paper, the situation of the United States in relation to the river Mississippi, and respecting which, a negotiation is now depending with the court of Spain. This paper opens fully this interesting subject in its relation to both republics, and which it is proper you should be correctly informed of at the present time. France can only assist in opening the river by an agent on the part of the United States; Mr. Short, to act in concert with her when she shall conclude her treaty with that Power, and which, by her permission, can easily accomplish, or by comprising it in her own treaty. I have no power to treat upon this subject, otherwise than by bringing it thus before you, for the purpose of ascertaining what your disposition is upon it, and which, with any comments you may be pleased to make, I shall be happy immediately to communicate to the American Government.

Notes respecting the river Mississippi, communicated to the Committee of Public Safety.

Paris, January 25, 1795.

The river Mississippi extends from about the forty-eighth degree of north latitude to the twenty-ninth, where it empties into the Gulf of Mexico, running nearly a north and south course, and through a tract of the most fertile country in the world.

It bounds the United States to the west, from latitude thirty-one to its source; an extent, pursuing the course of the river, of about two thousand miles.

Many rivers empty into the Mississippi on the east; the principal of which are the Illinois and the Ohio, and which, with their branches, spread through the whole of the western interior of the United States, and make it a most delightful region. Other rivers empty into it from the west, of which the Missouri is the most important. This latter has never been traced to its source, although voyagers have passed up it above one thousand five hundred miles. It is, however, believed, that it penetrates further into the bosom of the continent than the Mississippi itself.

The whole of that portion of the United States lying west of the Alleghany mountains, and which comprises about one-half of the territory within the said States, depends upon this river for the export of its productions to foreign markets. It comprehends a portion of the territory of several of the existing States: perhaps one-third of Pennsylvania, North Carolina, South Carolina, Virginia, Georgia, Tennessee, the whole of the Territory of the United States, lying between the Ohio and the Mississippi, which has already been laid out into five separate States, and which are to be admitted into the Union with the same rights as the old States, when they shall, respectively, attain a certain number of inhabitants. Of these, it is proposed to settle one only at a time, and of which the first has already been thus connected.

When we examine the extent of this territory; its fertility, superior to that of the old States; the felicity of its climate, lying all within the temperate zone; the kind and quality of its productions, such as hemp, flour, corn, short in every thing necessary in human life, protected in its infant settlements by the Government of the United States, and which is certain to attain a great degree of membership with them, we are compelled to appreciate it more highly than any other vacant tract known upon the globe.

Its settlement is of importance to all those European countries whose inhabitants are engaged in manufactures, because it will furnish, in abundance, rude materials for every species of manufacture. For these, which have the cultivation, at times, for the supply of provisions, because it will furnish an exhaustless source of every species of provision, but it is of peculiar importance to those which have islands in the West Indies, because it lies in the neighborhood of those islands, the month of the Mississippi being nearly in the same latitude, and will furnish every thing in demand there, such as lumber, provisions, &c.

But the commerce of this country, when settled, will depend upon the navigation of the Mississippi, and of course the settlement itself will depend upon the same cause. This was secured by a treaty of peace between the United States and France, in 1783, but has hitherto been perpetually suffers from most remarkably unjust and illogical. A negotiation, the object of which, on our part, is to open it, is, and has been, depending with that Power, since that time.
At the time our peace was made with England, the importance of this country was little known in her coun-
sils. It is said that her negotiators did not even know on which side of the lakes, and, of course, within whose jurisdiction, the forts, which have since been the subject of contention, lay. But its importance was soon afterward understood. It is now so thoroughly known that it has regained its respectability, in hopes either of gaining it to herself, or otherwise making it subservient to her schemes of policy. With this view she refused to surrender the posts, excited the Indians to make war on our frontiers, encouraged Spain to refuse our right to the navigation of the Mississippi, and did us other injuries of the same kind.

It is certain that the Western people will, sooner or later, open this river, either by negotiation or by force, and more than probable that England, retaining, as she still does, her resentiment against the old States, for their inde-
pendence, and against France for the aid given in that war, will watch the unessential of the Western people, on account of the obstructed navigation of the river, and improve it into an opportunity of separation of the old State, and connecting them with her interest in Canada, by under-taking to open the Mississippi to both coun-
tries. And with this view, it is said, that she has long had agents there to treat upon this subject: and that nothing has prevented her success but the attachment the people have to their brethren in the old States, their repugnance to become the sport of foreign politics, and which would follow their separations; and the particular anxiety they bear to that Power. Next to conquest, separation would be the most advantageous arrangement for Britain; for, in consequence, and especially if opened under her auspices, she would become the ally of the Western States, and play them off against the Eastern; whereby their importance and weight in the scale of nations would be increased. If this be the case, Britain will, with this view, that she was at the bottom of the late insurrection on the fron-
tier, and which grew out of the discontent proceeding from the occlusion of the river.

But the same motive which inclines England to promote the separation of the new from the old States, should dispose France to prevent it. And a little reflection will convince you of this, that, if they united they will continue so by the separation, therefore, Britain might gain, but France could not.

It is, then, the interest of France to keep the whole of this territory under the same Government; but this can-
not be done unless the intrigues of England be defeated, and the Mississippi be opened under the patronage of the United States. It is, therefore, the interest of France to yield her aid to her ally to open this river, and which, at the present crisis, would most probably produce a decisive effect. Nor would her retribution be limited to those considerations only which have been already mentioned. Experience has shown that those alliances are not only the most beneficial, but likewise most durable, which are founded equally on the affection and the interest of the parties, and by this act of friendship, France would establish a claim to the gratitude of the American people, which, by pervading every quarter, would reach the heart of every citizen. It would be known to the present race and remembered by posterity, that, by the aid of France, the old States were enabled to gain their independence, and that, likewise, by her aid, the new States commenced their settlement, grew up in the enjoyment of their rights, and attained their majority.

In the present state of the war with Spain, it is presumed that France may obtain what is here proposed; and, indeed, infinitely more, either in the islands or even in South America, and without the least difficulty. Her system is a system of freedom to the world, as well in respect to the rights of nations as of men. It is therefore hoped she will avail herself of the present opportunity, not only to verify that fact, but to manifest, at the same time, the plea-
sure with which she embraces every opportunity that occurs to promote the interest of her ally.

From the Committee of Public Safety to the Minister Plenipotentiary of the United States of America.

CITIZEN MINISTER: PARIS, 17th Pluviose, (February 8th, 1795) 3d year of the republic.

We have received, with your letter of 9th Pluviose, a note explanatory of the situation of the United States in regard to the river Mississippi.

We acknowledge, by the solicitude which you show in the negotiation of this affair, that nothing which can tend to confirm the bonds of friendship and harmony between the two first republics in the world is strange or indifferent-
to you. We thank you for the ideas you have communicated to us. We will examine them profoundly, and we will communicate to you, without delay, our observations upon your note. But we appreciate, beforehand, the motives of this loyal communication.

CAMBACERES, MERLIN, &c. PELET,

From the Secretary of State of the United States to Mr. Monroe.

PHILADELPHIA, March 8th, 1795.

SIR: On the 16th ultimo I had the honor of writing to you at large; and on the 20th of the same month I received your letters of October 16th, November 7th and 20th, 1794.

Being uncertain whether I may not be required at the next moment to close this letter, I shall not undertake to answer your dispatches fully; though I will proceed as far as the hurry of the opportunity will permit.

I have the pleasure to inform you that the President most approves your attention to our commerce; and the merchants who are immediately interested, and to whom I have communicated your measures, think them judicious.

The temporary appointment of Mr. Skipwith, and his report, have been also well received. But the circum-
stances of his withdrawing from your secret, the want of information of its communications, and an ignorance of what you had done, caused a Mr. Pitcairn to be named consul for Paris, pretty early in the late session of the Senate. I shall send a general instruction to the consuls to obey the directions of the ministers of the United States. Should such a post be given to Mr. Pitcairn, I pray you may use that man with prudence, and prevent the consequences.

Your observations as to passports have for some time occurred to me. Those which have been issued from this Department lately, have been governed by strict rules; and great repulse and calumny have fallen upon the chief officer, from the mouths of foreign aristocrats, who are a kind of half-fledged citizens of the United States, by hav-
ing resided there a few months.

Your history of the Jacobin societies was so appropriate to the present times in our own country, that it was con-
ceived proper to furnish the public with those useful lessons; and extracts were published, as from a letter of a gen-
dleman who is a friend of that happy man.

Last night the treaty with Great Britain arrived. It will remain undeviled by the Executive until the 8th of June next, when the Senate will assemble to deliberate on its ratification. I perceive that Mr. Fauchet is very un-
happy; but upon what grounds, which are justifiable, I know not. The posts, and the spoliations of commerce, will never be made up; not, however, by the usual mode of negotiation; and it is certain that England, in a subsequent negoti-
ation, are the judges. Our trade may also be regulated by any treaties which we please; and no other Government can command of offence, unless we derogate from its rights. You are acquainted with the restrictions on Mr. Jay, against the weakening of our engagements with France and, as far as is consistent with the truly independent, not to speak, I have not been harbored any reasonable ground for dissatisfaction in the French republic: for it cannot be supposed that the French nation would be displeased that our disputes with other nations should be concluded. But you will not judge from what I say that my opinion is formed whether the treaty will or will not be ratified. How-
ever, your idea as to Denmark and, you know, though he always allies and knows of less importance, and

state
after bearing farther from you concerning it. You will have concluded, from one of my late letters, that the step is viewed here as a very strong one.

My attention is, however, on the commercial relation to France, and your conduct as to Mr. Gardouvi's letter, prove your judgment and assiduity. Nor are your measures as to Mr. Paine, and the lady of our friend, less approved. Colonel Humphry's is here arranging the affair of Algiers. Be so good as to bring to the earliest issue the points which you have pressed upon the French republic; and, particularly, the fifteen thousand dollars advanced to the people of St. Domingo, which may still be repaid to them in effect.

My next letter will be devoted to the two important passages in your letters, conveying intelligence of your movements respecting Spain and Great Britain.

The sentiments from Mr. Monroe cannot be submitted to your discretion, and to do with them what may be best and proper. Those of Mr. King, relative to the ship Andrew, make a part of the business already in your hands.

Mr. Taylor will prepare, for this conveyance, your newspapers, &c. I am, &c.

EDM. RANDOLPH, Secretary of State.

Mr. Monroe to the Secretary of State.

PARIS, March 17th, 1795.

Sir:

I have just received a letter from Mr. Jay of the 5th of February,* in answer to mine of the 17th January preceding, and by which he declines to communicate to me the purport of his treaty with the English Government, although he had previously promised it. As he has explicitly declared himself to this effect, I consider the business of course, closed between him and me: nor shall I make any further comment on it, were I not otherwise impelled by the style of his reply, which is obviously addressed more for your consideration than mine. To you, therefore, my comments upon that reply shall also be submitted.

Mr. Jay says that he has no right to communicate the treaty, since it belongs exclusively to the Governments which concluded it. This is a principle which I believe him to have maintained, but the subject is not raised by him, nor is it discussed by him with me, nor is it communicated with his Government only. If this proposition is true, which (especially if no latitude is given by his instructions) I am willing to admit, it follows that, as the injunction of secrecy applies to the whole instrument, it must, of course, to every part. It was absurd to say that, in the gross, or as an entire thing, it must be kept secret; and that it may be suitable to his own ends. How, then, in this manner, having in his three several letters communicated a particular article, and promised, in the second, the whole? But he likewise says that the communication was intended to be confidential, or, in other words, to be secret; for his letters were not to be the subject of public discussion. But will his letters bear that construction? Does it appear as if the communication was intended merely to guard the secret of the treaty, and to prevent its being announced to me an event favorable to our country? On the contrary, does it not appear, from each of his letters, that he had anticipated the disquietude of this Government upon the subject of the treaty, and wished to remove it; and that the communication promised by him was addressed for that purpose, and to be used for public purposes? In short, had I been in a private station, is it probable he would have written or communicated any thing to me on

the subject? Certain, however, it is, that in no view was it possible for me to consider the communication promised, though formed a confidential one, as imposing on me any other restraint than that of caution; whilst it evinced here a wanting confidence in his country, and a readiness to discuss the state of his own nation. As I really believed, at the time I wrote to Mr. Jay, that he intended to make the communication in question, and likewise concluded, from his own assurances, as well as from other circumstances, that the treaty comprised in it only the most just cause of dishonor to our country, I thought I could not better have been guided, or the interest of our country, (especially as Mr. Morris had taken a very liberal and confidential person for it. You will therefore judge of my surprise when, instead of the communication expected, I received his letter of the 5th of February, containing an absolute refusal to make it.

But in reviewing now several letters, it is difficult to ascertain what he intended to do, or what his real object was in writing them. For he says in these, that he is not at liberty to disclose the purport of his treaty, and yet promises it; that he will give me the contents, or principal heads, to enable me to satisfy this Government, but yet will give them only in confidence, and, of course, under an injunction that will put it out of any power to give the satisfaction it prepared him to grant. And, finally, when application is made, upon the basis of his own letters, for the information in question; and for the purpose by him contemplated, he not only refuses to comply with what he had promised, but criminiates this Government for entertaining any uneasiness or making any inquiry on the subject.

What is here passing upon is this: that Mr. Jay has not communicated to me a thing that he has promised he would, if he were disposed to do it; that he has, in his present instance, the justice of the demand, on the part of the latter, is of course admitted. There may, indeed, be some merit in offering it before the demand is made; but to make the offer, and then recede from it, subjects the party thus acting to an additional proportional reproach. Had Mr. Jay, however, chosen to place himself in this dilemma, from me he would have heard nothing of the state of the treaty. I should have lamented, it is true, that he was not possessed of information that might be useful to our affairs here; but there the business would have ended; for both his promise and my application were, and still are, unknown to this Government. But to recede in the manner he has done, putting his refusal on the ground of national dignity, &c. is neither consistent with candor, nor the true state of things.

Had Mr. Jay confined to me the information in question, and in due time, and which it is obvious he thought himself in duty bound to do, I should then have become responsible for a proper use of it; and, I am satisfied, admitting it to be as by him represented, good use might have been made of it; for I should not only have been enabled thereby to quiet their fears, and whose legitimacy he acknowledges by his efforts to remove them, and silence a thousand unfounded insinuations whispered abroad by the enemies of both countries, but by the frankness of the communication, have most probably made the incident the means of conciliating, instead of wakening, the friendly disposition of the French nation. I hope it will serve, in some like manner, to check any possible purport, really, from my own knowledge, (being the minister on the ground, and responsible for the truth of the declaration) that the treaty did not interfere with our engagements with this republic, but that, being a mere project, subject to rejection, &c. it ought not to be published, it would have been satisfactory. And had the communication been sent to me, I am satisfied it would have been much more acceptable to the persons who have seen it, and I am sure it would have been much more effectually such the effect. In any event, I had I gone further against his request, upon me, and not upon him, would the responsibility have rested. But this was not Mr. Jay's object. On the contrary, it is obvious that he wished me to compromise my character, and through use, that of the United States with this nation, upon the subject of the communication, and to place me in this Government or myself the least confidence in regard to it; and which I would not do, nor, in my opinion, ought I have done.

Whether this Government acted with propriety in asking for information upon the point in question, in a subject which I have nothing to do with. I am responsible only for the answer given by me to the request. My application to Mr. Jay was certainly not founded upon theirs to me: for I had contemplated it before theirs was received. I had then gained such an insight into their councils as to satisfy me that all our great national objects, so far as they were connected with this republic, were more easily to be secured by a frank and cordial deportment, than a cool and reserved one; that if we wished to preserve our neutrality with strict integrity, and avail ourselves at the same time of its fortunes, and without the least hazard on our part, in the negotiation with Spain, as likewise in that with England, (in case Mr. Jay's treaty was rejected) that this was the way to do it. In short, that, if it was necessary to gain the approbation of this Government to any thing in that treaty, which it would otherwise disapprove, that this was the way to do it. Nor can I see any condensation in such a line of conduct. On the contrary, between nations allied as we are, and especially when past and recent circumstances are considered, I deem it the most mag-

* Ante, page 617.
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1795.

Sir:

My last letter, of March 8th, 1795, has been forwarded to you by duplicates. It will have anticipated the subject of your private letter of December 18th, 1795, though it is by no means so extensive as one which I should have concluded before this time, but for a constant round of interruptions, which I have not yet been able to repel. I am induced to write a few words about the most interesting object of the present communication to your Excellency, and the attention of which to a review of our relation to France, as may ascertain the facts, which is so firmly impressed upon me, that we have behaved to her fairly and honorably. For the present I shall say no more respecting the source of discontent of the treaty made by Mr. Jay, than this: that, as far as I have any definite ideas of treaties, offensive and defensive, I have no objection to it, for the reasons which I have expressed in the communication of the 18th ultimo. It was to express expressly saved; that France, from the circumstance of being the most favored nation, immediately inherits, upon equal terms, the concessions, indulgences, or conditions, made to other nations; and that the confining of its contents to the President and his committee, is not from too much delicacy. But the statesmen, in which the usages in such cases; not from an unwillingness that the Executive conduct should be canvassed, but from a certain fitness and expectation arising from such a diplomatic act.

The despatches which you are to understand to have reached my master of the concert which you have suggested. You will have been informed by my letter of the 8th ultimo, that "the step is viewed here as a very strong one," and, notwithstanding the rapid success which has attended the arms of our ally, we steadily direct our course to the character of neutrality which we profess, and, therefore, the more it is examined, the stronger it appears. You will hear from me shortly, in a more particular manner, concerning it, and the style of our negotiations at Paris, ought, in my judgment, to be observed. But I must be permitted to remark, that the inviolable policy of the President is, to be as independent as possible, of every nation upon earth; and this policy is not assumed now for the first time, when, perhaps, it may be insidiously breached by some, who lean to Great Britain, to prevent a tendency to Europe; but it is wise at all times, and, if steadily pursued, will protect our country from the effects of commotion in Europe. France, is, at this day, in the eye of the President, as she has always been, cordially embraced, and no event could be more afflicting to him than a suspicion of the purity of our motives in regard to that republic. But, without a steady adherence to principles, no Government can defend itself against the animadversions of the world, nor procure a permanent benefit to his own citizens.

Cases of spoliation and injury, according to the list subjoined, will accompany this letter, as subjects to which present intention and zeal are requested.

The prints, which have not been hitherto sent, are also prepared by Mr. Taylor.

Until a few days hence, I must beg you to accept this letter as the forerunner only of a more copious one, upon our affairs in France.

I am, &c.

EDM. RANDOLPH, Secretary of State.

From Mr. Monroe to the Secretary of State.

Paris, April 14th, 1795.

Sir:

I was lately favored with a letter from Mr. Jay, of the 19th of February, by which I was informed that the bearer, Colonel Trumbull, who had copied and knew the contents of his treaty with the English Government, was instructed to communicate the same to me, because I was an American minister, and in which character it might be useful to me; but that I must receive it in strict confidence, and under an injunction to impart it to no other person whatever. As I had explicitly stated to Mr. Jay, in my letter by Mr. Parvin, the only terms upon which I would receive the information, and was told he had done, as well for the purpose of conveying an engagement with the committee, formed after the receipt of his first letter, and when I expected no further information from him on the subject, as of preventing the transmission of it in case it contained the slightest circumstance which might be objectionable here, I could not otherwise than be surprised by the contents of this letter. To withhold the communication for this purpose, as I was informed by the report of the contents of that treaty would excite a ferment here, and offer it, after the expiration of some months, and when it was expected from America, and upon terms upon which I had assured him I could not receive it, to say nothing of the impossibility of comprehending how it should be committed to me, as it was to be kept a profound secret, was unexpected. I think the more so, as I was always convinced, by the consistent, firm, and decided manner in which the public interest, it would unavoidably tend, in some respects, to subject me to additional embarrassment in my situation here. I was likewise soon apprized that Colonel Trumbull did not consider himself at liberty to make the communication in question, unless I asked for it; and by which it was understood that I bound myself to accept it on the terms proposed, adding thereby to the injunctures of Mr. Jay, the additional obligation of private stipulation. The dilemma, therefore, with which I was threatened, was of a peculiar kind: for, if I accepted and withheld the communication from the Government and our engagement with them, it was not only to the probable imputation of indiscretion, but likewise certainly to that of breach of promise. The line of propriety, however, appeared to me to be a plain one. I was bound to use such information as Mr. Jay might think fit to give me, in the best manner possible, according to my discretion, to promote the public interest; but I was not bound to use any artifice in obtaining that information, or to violate any engagement by the use of it. My duty to the public did not require this of me, and I had no other object to answer. As soon, therefore, as I had made a decision on the subject, I apprized Colonel Trumbull that I could not receive the communication proposed, upon the terms on which it was offered.
The mission of this gentleman here, though, according to my information of him, a worthy and a prudent man, produced an effect of a more serious kind. I was soon advised, by a person friendly to the United States, and herefore friendly and useful to me, that his arrival had excited uneasiness in the public councils, and would probably create considerable disagreement among them. It was believed, however, on good authority, that no impeachment of him would be made for the foreign relations, no account of the contents of that treaty: for it would hardly be credited, after this, considering the relation between Mr. Jay and myself, that I knew nothing of those contents. Upon what other motive, it would be asked, was the appointment of Mr. Beauclerk to be expected from such a direction, would be deemed a fallacious one? He added, that the wisest precautions were necessary, on my part guard me against any unjust imputation; since, through that, the interest of my country might, at the present crisis, be essentially wounded.

As I had anticipated, in some measure, the effect, I was mortified, but not surprised, by the intelligence. It was curious, however, but how should it have surprised me, to have to make a private as public character, to place the integrity of my own conduct upon which could not be questioned. There appeared to me to be but one mode by which this could be done, and which was by making known to the committee what had passed between Mr. Jay and myself to state the terms upon which he had offered the communication, and how far he had been understood from me to acknowledge the execution, so as to down which, was a painful task; but as I had no other alternative left, but that of exposing myself to the suspicion of having known, from the beginning, the purport of Mr. Jay's treaty, and uniting with him in withholding it from them, who, 1 sincerely believed, would have been the surest means to support the honor of my country. In consequence, I waited on the members of the committee, and made the representation as above, repeating Mr. Jay's motive for withholding the communication, as urged by himself: "That it belonged to the sovereign power alone to make it." &c. It was replied that it could not otherwise than excite uneasiness in the councils of the United States. In the state of the foreign power, in particular, America had stepped forward and made a treaty with that Power, the contents of which were so carefully and strictly withheld from this Government; for, if the treaty was not injurious to France, why was it withheld from her? Was it prudent for one ally to act in such a manner in regard to another, and, especially, under the present circumstances, and at the present time, as to excite suspicions of the kind in question? I assured them, generally, as I had done before, that I was satisfied the treaty contained in it nothing which could give them uneasiness; but if it did, and especially if it weakened our connexion with France, it would certainly be dissolved in the course of the present commission, assured me they wished me to put myself in no dilemma which would be embarrassing, and thus the conference ended.

A few days after this, I was favored with a letter from Mr. Hitchborn, an American gentleman of character here, (from Massachusetts) of which I enclose you a copy, stating the contents or outlines of the treaty in question, as communicated to me by Mr. Colon. I am now writing to state the information of this Government. I was surprised at the incident; because I could not suppose that Colonel Trumbull would take this step, or any other, without the instructions of Mr. Jay, and it seemed to me extraordinary that Mr. Jay should give such an instruction, or mark, to his personal representative. Colonel Trumbull would confide the purport of the treaty to Mr. Hitchborn, for he merited the confidence, but I was surprised that Mr. Jay should write me it is to be communicated to me only as a public minister, &c. to be imparted to no one else, and that Colonel Trumbull, however deeply impressed he might be after his arrival here with the propriety of keeping the contents of this treaty a secret, did not think it his duty to impart them to me. It seemed as though, to communicate the same to a third person, to be communicated to me, under no injunction whatever. I was, however, possessed of the paper in question; and it was my duty to turn it to the best account, for the public interest, that circumstances would now admit of. It was, it true, the most informal of all informal communications, and one of confidential character. I opened the letter with the usual form of expression, in which the information was given me, that Colonel Trumbull would make the paper confidential, to a third person, and I therefore thought it my duty to open it myself. After transcribing the letter, I communicated it to the members, on my part, that they might confide in the credibility of the parties. The paper was presented to Mr. Merlin de Donay, with the comment suggested; and since which, I have neither heard from the committee, Colonel Trumbull, nor Mr. Jay, on the subject.

I intimated to you in my last that I was persuaded, if there was a force here and willing to make head against the Revolution, it would soon show itself, but that I was of opinion none such existed. This presage has been since verified by a great and interesting example. The storm, which I thought I saw gathering, after rising to its being a mere tempest, is now seen to be a hurricane. Its strength being changed, its manner of acting any mischance. On the contrary, I am inclined to believe, from present appearances, it will be productive of good.

It was natural to expect that the trial of Barrere, Collot d'Herbois, and Billaud de Varennes, three men, who were, in the early stages, the associates, and, in the latter, in some degree, the advocates of Robespierre, would create the most important excitement of the moment. It would excite some ferment. It was equally natural to expect that, if that party was not so completely crushed as to preclude all hope of success, it would, in some stage of the proceeding, make an extraordinary effort to preserve them. The epoch of this trial was, therefore, determined; but there was an important point, and on several stages were marked by circumstances which tended rather to increase than diminish the general solicitude.

Under the banner of this party, and apparently in favor of the acquisit of these members, the discontented, of every description, were seen rallying forming, in the whole, an extraordinary assemblage, being gathered from the various, and, heretofore, opposite classes of society, but united now for the common purpose of disturbing the public tranquility. The prisons, which were filled in the time of Robespierre, and opened under the more humane administration of the present day, had discharged upon the city an immense crowd of the ancient aristocracy, and who some years ago, that the severe discipline which had undergone had not deprecated the public safety were required under the reign of the ancient court. As the present administration had rescued them from the guillotine, and to which they were otherwise inevitably doomed, it was at least entitled to their gratitude. This slight tribute, however, was not paid for that important service. On the contrary, these were among the most active in forwarding the proceedings. The operations of the other parties, as of the former, the peasants, the dispossessed, the bondmen, the defrocked, the dispossessed, or rather routed, Jacobins and their adherents, were seen marshalled by its side, and acting in harmony with it. These two classes of people, and those who were heretofore at endless war with each other, now combined, formed a force of some strength, and excited, in the minds of many well disposed persons, serious apprehensions for the safety.

The increasing scarcity of bread, and which menaced an unavoidable diminution of the ordinary allowance, contributed much to increase the apprehension of danger. A deficiency in this article in Paris, under the ancient go
gernment, was accounted a cause of public insurrection, to guard against such deficiency as the greatest of public calamities. Abundant stores were, in consequence, when it was possible to provide them; and, let the scarcity or price be what it might, in other quarters, the ordinary allowance, and nearly at the ordinary price, was distributed, as in times of greatest plenty, instead of abating, which would have been the practice, in the reign of the ancient court. As the state of affairs, which announced the approach of a deficiency, announced likewise that of a crisis extremely important in the history of the Revolution. The most firm knew it was an experiment yet to be made, and from which they ex to expect no possible benefit, it was thought by many, as it was at least entertained, that it was to be foreseen that, that was not a government which could remain, for whose duty it was to sustain it, that of yielding under, or meeting it, with firmness, and passing through it as well as possible.
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As soon as it was known that a diminution of the ordinary allowance was unavoidable, it was resolved to make it a maxim that, in every case, they might not be taken by surprise; and for this purpose, Bossy d'Anglas, of the section of subsistence in the committee of public safety, appeared at the tribune some days before it took effect. His discourse, which was short but explicit, began by exposing freely the enormities and vicious arrangements of the ancient committees; whereby, he said, France had already been very often saved from great calamities. There was no name even familiar was likewise proceeding from that source, which neither the wisdom, nor the industry of the present councils had been able altogether to avert. That he was happy, however, to assure the Convention that, as the most prudent measures were long since taken to correct the abuses of old, there would be for a future time, and for this purpose, a congress called at Paris, and presided over by Barrere, Billant de Varennes, &c., and by the members of the Mountain party in general, with a smile of approbation. It was obvious they considered Bossy as a welcome messenger, announcing to them joyful tidings. A few days afterwards the deficiency so much dreaded took place, and, at the same time, the intrigues of the discordant were fully to be deplored. The movement was commenced by about four hundred citizens from a section heretofore noted for its turbulence; and who, appearing without the hall, demanded admission to the bar of the Convention. 'A deputation from the party, composed of those who assembled, was sent to the former for the purpose of having their request understood, and, declaring that they were on the point of regretting the sacrifices they had made to the Revolution. The answer of the President (Thibaudant) was firm and decisive. To that part of the address which complained of the scarcity of bread, he replied by stating the measures of the Government to remedy it; but, with reference to that part of the deputation which was about to adopt measures to prevent indecency, he could observe that, if the disaffected were at work to excite trouble, but that their efforts would be fruitless: for, enlightened by experience, and strong in the power of the whole nation, the Convention would be able to control their movements; and, in closing, he addressed himself more particularly to the memorialists, saying that the efforts of the people to recover their liberty would not be lost whilst good citizens seconded the labors of their representatives; that despair belonged only to slaves; freemen never regretted the sacrifices they had made in such a cause. The answer, which was received with general applause, checked for a while the turbulent spirit of the disaffected.

At six o'clock the adjournment was made, and the sitting was abandoned at this stage. About a month after this, and which was on the 1st of April, (13 Germinal) a more numerous body, consisting principally of workmen from the Faubourg of St. Antoine, presented itself likewise before the hall, demanding admission to the bar of the Convention and, upon some pretext, and in violation of the usual forms, immediately entered, from a crowd in which, in the presence of that assemblage, there were in the hall perhaps three or four thousand, and, in the vacant external space around it, as many more. The proceedings of the Convention were suspended: the president, however, and the members, kept their seats, declaring that, as their sitting was violated, they would do no business. Indeed it was now impossible to do any; but the Convention was practically a substitute for any national representation. The liberty of the fathers, "liberty to the patriots," meaning some of the accomplices of Robespierre, could alone be heard. They continued thus in the hall about four hours, from two to six in the evening, offering, in the interim, no violence to any of the members of the Convention. Wherever the passions of the multitude were seen which caused a suspicion that a good understanding subsisted between the leaders of the mob and some members of the Mountain party; it was likewise observed that their final retreat was made upon a suggestion from that quarter: for, as soon as an adjournment to that effect was given from that quarter, it was obeyed. Many bloody and tumultuous passions were spread over the whole city, and either murder them in their places, or send them to prison, to be murdered afterwards, under the form of a trial: as was the case in the time of Robespierre; whereby the preponderating scale would be shifted to the other side, and the reign of terror revive again for a while. Be the plan, however, what it might, it was soon frustrated: for, as the multitude, observing the operations of the committee, its irregular and denunciation of disorders and chief to lead it on to acts of violence: the time was therefore whirled away in senseless uproar, till, at length, the speculative authors of the movement were uneasy about the issue, and as anxious to get rid of it, as those at whom it was supposed to be pointed. In the interim, too, the means that were adopted without, tended not only to secure the general tranquillity of the city, but most probably to influence, in a great measure, the proceedings within. By order of the committees, the tocsin was sounded, and the citizens in every section called to arms so that the appeal was fairly made to the people of Paris, whether they would support the republic, or rally under the standard of those who would destroy it. The appeal was repeated: for, in order to assert the new rights and duties, it was obeyed. The lapse of a few hours gave it the preponderance, and the lapse of a few more not only freed the hall of the Convention from the invasion with which it had been seized, but dispersed the crowd from its rear. At six in the evening the Convention resumed its deliberations, beginning by declaring its sitting permanent, and progressing by a review of the movements of the day, which were well understood, and freely discussed. By this time, it was fortified by accounts from every quarter that the sense of the city was decisively pronounced in its favor, and the absence of those who were not then returning to their duty. The sitting continued until six in the morning, in the course whereof a decree of banishment was passed against the accused members, and of arrestation against eight or nine of the Mountain party; which latter list was afterwards increased to about eighteen; and both of which decrees have since been carried into effect, by sending the former to the island of Oleron, and the latter to the castle of Ham, in the department of Somme; and thus ended the commotion which was so long gathering, and which menaced, at one time, not to arrest the progress of the Revolution, (at least such was my opinion) but to occasion much trouble, and stain its page with new atrocities. In the course of this day, the services of General Pichegru, who happened to be in Paris, and was appointed commandant of the national guard, who of great importance to his country. His activity was great, for he was always on horse, and passing from one city to another of his arrangements in disposing of the cannon and military force were wise. His name too was of great utility, for it tended equally to elevate the hopes of the multitude and to secure the tranquillity and prosperity of France. The fate of its late antagonist, if there was no other motive, and which was precipitated by the glory of France, and of all the nations of league against the French republic, must furnish a solemn and lasting admonition to shun its example. The opposite principles, too, upon which it is founded, being the average of the sober and the wise, at variance with the extreme exaltation, and the sectaries of anarchy, whose partisans were lately combined in an effort to crush it, promises to secure in its measures some stability in the observance of those just and honorable principles which it professes.

Before the time passed, the views of our party succeeded, of the establishment of the constitution, and some motions that have been adopted were now depending before select committees, appointed to prepare the several organic laws necessary to introduce. An opinion is likewise entertained by many that the constitution in question is very defective, and ought to be amended before it is put in force. A discourse to this effect was lately delivered by Pichegru, a respectable and well informed member, and he said that some sentiments were then avowed by others. But whether it shall be an attempt of this kind (should it be formally made) will succeed, or whether the general solicitude to put the constitution in force, however defective it may be, in the hope of amending it afterwards, will prevail, is yet uncertain.
Since the fortunate issue of the late commotion, a treaty of peace was concluded with Prussia, at Baden, in Switzerland, of which I enclose you a copy.

The import of the fourth and fifth articles gives cause to suspect that some stipulations exist which have not been communicated, and it is believed by many that it is agreed between the parties that France shall retain the Prussian territory on the left of the Rhine, in lieu whereof she is to take and cede certain lands on the right bank; but this is but a step in raising the latter points; they have been arranged as a party on the side of France.

The latter considers the old connexion with Austria as broken, and wishes to supply it by one with Prussia; and, provided satisfactory arrangements are, or shall be hereafter, formed for that purpose, he is prepared to yield the point here involved.

The negotiation with Spain is also said to be far advanced, and will most probably soon be closed. It is likewise reported that a person, or more than one, from England, is now in Paris, upon the pretext of treating for an exchange of prisoners, but, in truth, for the more substantial one of treating, or at least of sounding the disposition of the French Government for peace. Upon this point, however, I hope to be able to give you, in the course of a few days, more certain information than I now can.

From Mr. Monroe to the Secretary of State.

PARIS, May 17, 1796.

Sir: I was yesterday honored with yours of the 8th of March, the only one received since that of the 5th of December, and was at the same moment favored with the company of Mr. Pitcairn, who, having just arrived, had called to present his commission of vice-consul for this city, to be recognized as such.

I informed you in my letter of the 6th of March, and for reasons that were in part before explained, that the arrival of this gentleman would subject me to an unpleasant dilemma: for, if it was known he was a British subject, although he had likewise become an American citizen, I doubted much whether he would be received. That, in strict propriety, I ought to communicate the fact, if it was so; for, after what had passed between us, upon a subject of this nature, an announcement of this kind would have tended to prejudice myself to the imputation of want of candor, and that, in any event, if he were established, however correctly I might personally act, the circumstance of his being a British subject, would not only lessen his weight, and, to a certain degree, and from causes that are obvious, lessen mine likewise. The manner in which might be presented for the sake of a personal form, and without any regard to its importance.

By his arrival, therefore, this embarrassment was realized. The commission of the President is the law to me, and, upon every principle it is disagreeable to suspend its force; but yet the nature of the trust reposed in a public minister seems to imply in him a discretionary power to control, according to his judgment, incidents of this kind, if thought expedient, for the purpose of dispensing the necessary duties when necessary to prevent a public detriment. Upon mature consideration, therefore, I have thought it best to withhold the official communication of his appointment from the Government, until I should hear from you in reply to your letter, and the more especially, as it might now have affected in the course of a few weeks. In consequence of this communication to Mr. Pitcairn, with the motives upon which it was founded, and was pleased to observe that he appeared to be perfectly satisfied with the propriety of it.

I observe, by this letter, that the treaty concluded by Mr. Jay with Great Britain did not survive the 5th of March; and, as I am fully assured that Mr. Jay was, by the orders of his Government, authorized to carry things so far, and to have himself kept secret. I regret equally this delay and secrecy: the delay, because, if it is not approved, it may become more difficult, in the probable course of events, on this side the Atlantic, to obtain a remodification of it; and the secrecy, because the jealousy that was at first imbued by this Government of its contents, will of course remain for the same space of time; and that, instead of being shared, it will be secreted by us.

Having too explained the object of this mission, whilst its issue was uncertain, they think it strange that the result should be now withheld. Upon this point, however, I have nothing new to add. I have already communicated to you, in my last, whatever I had to communicate upon this subject, and you will now have in my present communication, full assurance to inspire this Government with a confidence, either that the treaty in question contains in it nothing improper, or that it will not be ratified in case it does.

Your last letter gave me the first intelligence upon which I could rely that Colonel Humphreys was in America. But, your account is so fully consistent with what we had heard, and with our views in respect to the practical interests on the American coast, that I was assured you, long since, that it would be easy to obtain from this Government its aid upon that point, and it is certain that its aid with each, and especially Algiers, where it is to the strictest of France, would be of no small advantage to this country. France is at war against Austria, Spain, England, Portugal, and in fact, against them all, and, in consequence, conclude that she will be powerless than all united, and regard her accordingly.

I have frequently been told, in private conversation, by the members of the committee, that they were ready to render us all the service in their power in that respect; and I should long since have requested the Government to make our peace there. In pursuance of the plan commenced by Mr. Morris, I had not been instrusted to this form, the hands of Colonel Humphreys, and feared, by such interference, that I should embarrass the views and measures of our Government. I shall be ready, however, to act in whatever line you may think proper to direct, and shall endeavor, and without any particular compromization on our part, to keep the committee in the same state of preparation.

In general, our commercial affairs progress as well, all things considered, as could be expected. Transactions of old standing, I have not lately formally pressed, because I knew that the Government was embarrassed on the score of finance, and because I thought it better to wait the issue of the business depending, with you in June next. Mr. Skipwith, however, does every thing in his power to forward those objects, and perhaps with as much effect as would be possible under any pressure that could now be made. But, in the direct or current commerce, our countrymen enjoy all the privileges that the Government can give them; and though delays are sometimes experienced, they are not of such magnitude as to prevent the practice of the most essential interests.

I have long been acquainted with Colonel Humphreys, and that ought to be understood at the treasury. I omitted it in my more early applications to this Government, because I wished to progress with the greater objects first, and more latterly for the reasons above suggested. I conferred, however, on the subject with Mr. Adet, and presume he will allow it as a thing of course; but, if he does not, upon notification thereof to the committee, and which I will immediately make when so advised by you, he will certainly be instructed to do it.

Since my last, Paris, and the republic in general, have enjoyed a state of perfect tranquillity. Every little disturbance, which ensued for a time the movement of the 28th of July (12th of French Calendar), and there was not, or two of the smaller kind which did ensue, subsided almost of itself, and in each instance without force, and of course without bloodshed. Thus the authority of the Convention prevails, although it is supported by the common sense and the common interest of the citizens of Paris only; a thing deemed heretofore impracticable under existing embarrassments. Certain it is, that, if the Government had been in the hands of a King, or any other description of person, and that of the people themselves, we should have seen, in the course of a few weeks past, a succession of many revolutions of the ministerial kind, and which would have, perhaps, dethroned eventually any king that ever reigned here. The distress of the people, on account of the scarcity of bread, since that time, has been like that of a besieged town.
They have been constantly upon allowance, and which was latterly reduced to two ounces, and sometimes less, per day. My family, which consists of fourteen persons, is allowed two half ounces, but this is not enough, especially the poor: for at a great expense (nearly forty dollars specie per barrel) I am supplied. The accounts which we have of the distress of the aged, the infirm, and even of children, are most affecting; yet calmsness and serenity are seen everywhere, complaints diminish, and that ferocity which was so prevalent of late has been cut off; and the senate and convention, when they were excited by the animosity of contending parties, and most probably increased by foreign influence, has entirely disappeared. In this moment they all look to America for bread, and most fervently do I join them in prayer that our countrymen may speedily bring it to them. If they can make out for six weeks, they are safe: for by that time their crops will be grown, from present prospects, they may be in a better situation in the interim than they now are, and most probably not in a worse.

In the line of negotiation, nothing has been concluded since the treaty with Prussia, and which was ratified by both parties soon after it was signed, Sir F. Robartes to Rochefort, from whence he attended his arrival to the under guard until the arrival of an agent from the committee, who was instructed to receive and report his propositions to that body, provided they embraced any other object than an exchange of prisoners; but in case they did not, he was directed to receive and report his propositions as to the means of settling the accounts, and to treat for an exchange of prisoners. Have you no other power? Let us settle this point first; we shall be together, and may afterwards talk on what we please. But have you no other power? Your answer to this question may settle this and every other point in a word; if you have, I will receive what you will communicate; if you have not, our business is at an end. Mr. Eden replied, he had none, and that they parted, the agent for Paris, and Mr. Eden for London; the latter being apprised what the wish of the committee was in that respect.

It is said that a treaty is lately concluded with the commissioners from Holland, by which the independence of that country is acknowledged, and an alliance offensive and defensive formed, upon terms which promise to be satisfactory to the parties. I will enclose a sketch of these, which has been published.

General Pichegru has crossed the Rhine, and with a considerable force; but probably, at present, for the purpose only of quartering his army in the enemy's country. He is now in the neighborhood of Mayence, which is still besieged; and the French have been as fairly quartered as the soldiers of the late Dutch, that against whom in the empire the forces of the republic will be directed; for the door which was opened to receive propositions from the princes of the Germanic body, through the King of Prussia, was not an idle provision. Advantage, I am told, has already been taken of it; and that it will most probably prove the means, and to the credit and interest of the republic, of obtaining the views of the great and good men of the empire.

The negotiation with Spain is still at a stand. The Spanish court is strongly inclined to connect itself with this republic, but, in so doing, it foresees the necessity of an accommodation with us in respect to the boundaries and the Missisipi; and, indeed, would have been desirous of settling that, before they would give any other effect. Of the views of England, however, Spain is, and always was, jealous; so that it is not improbable an accommodation may soon take place. It is said that the King of Spain makes a provision for the children of the late King, the object of his care; that he wishes to have them delivered up to him, with the view of giving them an establishment in property somewhere in his dominions, with the title of duke to the boy, and that this point, in some form or other, will probably be agreed.

At sea, in the excursions which were made in the course of the winter, by tempest, great loss was sustained; and considerable of the same will hereafter be directed principally against England, and less attention was for some time paid to the navy than ought to have been expected. At present, however, the attention of the executive branch seems to be turned more towards that object than heretofore; so that it is probable the waste of the winter will soon be repaired.

The arguments continue to depreciate, and the frequent discussions which take place upon the various propositions made to raise their credit, always produce the opposite effect, of depressing them. Many think, however, the depreciation a blessing to the country, and that their total fall would be among the happiest of political events, especially if they can be kept up through the summer. At present, their depreciation is by the standard of gold, or foreign exchange, as four to one.

The mass of wealth in national domains is affirmed, by those who ought to know, more than double what I suppose; being, after restoring the property of those who were illegally condemned, according to a late decree, about four hundred millions sterling. A deputation was lately sent to Holland of Sieges and Reuvel, to press for money; and it is expected they will succeed, at least in such degree as to answer present exigencies.

I am happy to hear that the President approves my conduct in the instance mentioned; and I beg you to assure him, that, for the future, I shall continue to be neither less attentive nor assiduous in the discharge of the duties of the trust committed to me, than I have hitherto been.

P.S. Since writing the above, I was informed personally by one of the agents who attended Mr. Eden at Dieppe, that he (Mr. Eden) had power to treat on other subjects than that of an exchange of prisoners, and that he not only communicated this, but he made his propositions, and which were accepted, provisionally, upon the understanding given Mr. Eden, that he was politic and acceptable, and with which he appeared to be perfectly satisfied. What the propositions were, I know not; but that they contemplated peace cannot be doubted.

From the Secretary of State of the United States to Mr. Monroe.

June 1st, 1795.

Sir:

The uneasiness which has been discovered by the French republic, in reference to our late treaty with Great Britain, appears to be founded in your instructions, in which you are directed to maintain an honorable interchange of information between the United States and France, have determined me to review our conduct from the commencement of the present war. In it I shall unreservedly expose the policy of the Executive, as it may be collected from the documents of this Department that the imputation of an attempted deception in property somewhere in his dominions, with the title of duke to the boy; and that this point, in some form or other, will probably be agreed.

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Immediately upon this event "only one opinion prevailed as to the badness of the constitution." No plan of a new constitution was even reported for a considerable time afterward; none was adopted for many months. At this instant the proposed permanent system is locked up from operation; but what the permanent system will really be is unknown. It can only be seen in the future.

If, instead of searching for the will of the people, the politics of the reigning parties had been consulted, how transitory were they! Administrations were hourly passing away. Every member of Government was engaged in the defense of some other than that of his neighbor. The Jacobins were busy in exciting tumults. The Convention were privately calling for guards to protect themselves from the people. The very ministers declared that the National Assembly could be brought into no kind of consistency. A national bankruptcy, and a difficulty of supplies, were too much to be apprehended. Strong symptoms of anarchy; the shedding of blood; and information that the questions between absolute monarchy and a republic must be decided by forces; were prophetic of some great catastrophe.

Examine next the external relations of France. The foreign ministers, except the minister of the United States, had fled. The alliances against her were multiplying; the enemy numerous; their object to erect a military government in all the British, and to give the British armament of the French; and the affections of the French people not decisively directed to any specific object. If the United States had panted for war as much as ancient Rome; if its armies had been as effective as those of Prussia; if their coffer had been full, and their debts annihilated, even yet the peace was too precious to be risked for the most flimsy issue of war. A partial motive disdained us from war, so were we without an obligation to enter into it as a party.

No casus foederis had arisen upon our alliance with France. We had not, nor have we yet, been required to execute the guarantees; and, therefore, it was unnecessary to speak concerning it.

Had we indulged our sensibility for the cries languishing over France, and associated our injuries with hers, the rashness of the step would have been proverbial. An infant country, deep in debt necessitated to borrow in Europe; without manufactures; without a land or naval forces; without a competency of arms or armament; with a commerce closely connected beyond the Atlantic, with a certainty of enhancing the price of foreign productions, and diminishing that of our own; with a constitution little more than four years old; in a state of production, and not exempt from foes; such a country can have no greater curse in store for her than war. That peace was our policy has been admitted by Congress, by the People, and by France herself. France could not have thought otherwise: for, had we been active, she would have been deprived of our provisions except by snatches, and our payments to her in the provinces would have been interrupted.

The proclamation of neutrality, therefore, which was our first important act, after the eruption of the war, deserved to be the model of our subsequent conduct.

After the downfall of the President of the United States, if he departed not from the line prescribed by the proclamation, was no small indication of his being resolved to cultivate a friendship with the new republic. Mr. Genet came over as minister, upon the death of Louis XVI. He was the protege of a party whose downfall had been predicted from Paris in August, 1792; and it was not improbable that some of the neutral Powers would endeavor to inculcate an opinion of the influence of the American Republic in France. Mr. Genet had been Chief Magistrate, who had been the organ of the general will when they were formed. But what said the President? Did he waive in recognizing them as compacts with the French nation? Did he affect delays? Was he eager to seize a pretext from the dismembering of Mr. Genet near the Southern extremity of our continent, and to increase the weight of his own influence? No, sir; Mr. Genet was received without a previous inquiry; without a qualification or condition; immediately; and with an indifference to the murmurs of the belligerent Powers. For our minister had been before instructed that "it always behooved us to acknowledge any government to be rightful, which is formed by the will of the nation, substantially declared."

A few days brought forth a third decree of the government in our relation to France. He "communicated the decree of the National Convention, of February 19th, 1793, authorizing the French Executive to propose a treaty with the United States, of a principle and objects, which might strengthen the power of the United States, and which unite the two nations; and informed us, in a letter of May 33d, 1793, that he was authorized to treat accordingly."

I really doubt whether, upon this head, the French republic, if left to herself, would utter one remonstrance. But party, which, if it be not abolished, must be the bane of the Union, fights under the popular banners of France, exasperating and aggravating and overthrowing its adversary by propagating a belief that she has been ill treated. These calumnies cannot be more effectually faced than by examining the commercial relations already subsisting by treaty between the United States and France.

But the treaty of the two countries was placed, among other things, upon the following grounds:

1st. Both parties "engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional."

2d. The French were to pay in our ports, &c. no other or greater duties or imposts than those which the nations most immediately near to them exact; that is, they shall equally pay the duties on goods, navigation, and commerce, whether in passing from one port in the United States to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

3d. The Americans were to enjoy the same privileges in the French ports in Europe. In this is included an exemption of one hundred sols per ton, established in France on enemy ships, unless their ships shall load with the merchandise of France for another port in the same dominion; they are then to pay the duty above mentioned, so long as other nations, the most favored, shall be obliged to pay it; the United States being at liberty to establish an equivalent duty in the same case.

4th. "Free ships were to give freedom to goods."

5th. American or French property on board of enemy ships was confiscable.

6th. Regulations were made for contraband, and the carrying on of war by either against its enemies, so as to prevent both to the other.

7th. The Americans were to have one or more free ports granted to them in Europe, for bringing and disposing of their merchandise; and the free ports, which had been, at the date of the treaty, (May 6th, 1787) and were then, open to the merchants of America, were continued to the American vessels in the French West Indies, and our salt fish paid there a weighty duty: And

5th. That our own carriage of our own tobacco was heavily duties in France.

The subjunctive extracts from letters of this Department to our minister in Paris, on the 22d of January, 10th of March, 28th of April, 16th of June, 1792, and on the 19th of March, 1793, bespeak our earnestness for an extension of our commercial privileges.

For Additional Extracts.

January 25.—"I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce and the extension of its privileges, both in France and her colonies; but more especially the latter."

March 10.—"We had expected, ere this, that, in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a treaty of commerce; an authentic copy of the recommen-
ation was delivered, but nothing said about carrying it into effect. Perhaps they expect that we should declare our readiness to meet them on the ground of treaty; if they do, we have no hesitation to declare it. In the mean time, if the present communications produce no satisfaction, we may furnish a good occasion to endeavor to have matters replaced in statu quo, by repealing the late innovations as to our ships, tobacco, and whale oil. It is right that things should be kept foot to foot.

Mr. Jefferson: April 28. — I hope that these manifestations of friendly dispositions towards that country will induce them to remove the very obnoxious laws respecting our commerce, which were passed by the preceding National Assembly. The present session of Congress will pass, I venture to think, any other laws as detrimental to our friendly dispositions before the present administration can produce a retaliation of good on their part, a retaliation of commerce to themselves and us.

It will be impossible to defer, longer than the next session of Congress, some counter regulations for the protection of our navigation and commerce. I must intreat you, therefore, to avail yourself of every occasion of immediate advantage in this respect on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation, from considerations suggested by the nature of our Government, which will readily occur to you.

June 16. — With respect to the particular objects of commerce susceptible of being placed on a better footing, on the recent measures of the Jansenists, in France and England, that with France is stated as it stood at the time I left that country, when the only objects wherein change was still desirable, were those of salted provisions, tobacco, and tar, pitch, and turpentine. The first was in negotiation when I came away, and was pursued by Mr. S. until his successor's illness, till their general condemnation to that branch of their commerce, to other articles. Our commercial intercourse with the West Indies had never admitted amelioration during my stay in France. The temper of that period did not allow even the essay; and it was as much as we could do to hold the ground given us by the marshal de Castries' arrest, admitting us to their colonies with salted provisions, &c. As to both these branches of commerce, to wit, with France and her colonies, we have hoped they will pursue their own proposition of arranging them by treaty, and that we could draw that treaty to this place. There is no other where the dependence of their colonies on our States for their prosperity is so obvious as here; nor where their negotiator would feel it so much. But it would be possible, if the measure of the new Ministry was to the re-establishment of our commerce with France, on the footing on which it was at the beginning of their Revolution. That treaty may be long on the anvil; in the mean time, we cannot submit to the late innovations without taking measures to do justice to our own navigation. This object, therefore, is pursued while you will be able to form a plan; the object of it will be, you will have the opportunity of passing such a treaty in another form than that which has been proposed. I hope you will have nothing favorable on your arrival in France, when Mr. Claviere was in the ministry, and the dispositions of the National Assembly favorable to the ministers.

Mutual good offices, mutual affection, and similar principles of Government, seem to deserve the two nations for the most intimate composition; and I cannot too much press it on you to improve every opportunity which may occur in the changeable scenes which are passing, and to seize them as they occur, for placing our commerce with that nation and its dependencies on the freest and most encouraging footing possible.

What were the corresponding efforts of our minister relative to a treaty of commerce? In June, 1789, he was instructed to Mr. Jefferson, in a note of May 17th, 1792, that he should return from the instructions in the same manner he had been instructed in the same way. I shall, however, fail in my duty towards my nation, sir, and I should offer but a feeble testimony of theattachment which I have for so many years vowed to it, if I were to dissemble the discontent, which the decrees of the constituent assembly, infringing the system of commerce established between France and the United States, before the year 1789, have excited in America. I forego all remarks on that subject, because I leave it to your wisdom and the sentiments of your nation; and I dare believe, that, even if it concerned merely its own interests, the National Assembly would no longer suffer regulations to exist which fall still harder upon the French consumers than upon their manufacturers. I allude, sir, to the object, sir, to the wishes of those who have doubt, pay all the attention that its importance deserves. The constituent assembly expressed its desire that the King should negotiate a new commercial treaty with America. It has been communicated to the President of the United States, by the minister plenipotentiary of His Majesty. But this project has until now been without effect. I am directed to assure you, sir, that my government is not without real pleasure at the idea of a new and lasting establishment of commerce between America and that part of the world, the most friendly dispositions. You will give me very great pleasure, sir, when you shall please to authorize me to write that he is entrusted with that business.

July 33d, 1792. — I shall likewise lay before you the desire which the American Government expresses to establish the union of the two people, by a new treaty of commerce, and I shall immediately take the orders of the King for commencing that important negotiation, I do not doubt but it will soon be brought to a happy conclusion, since the two Governments are equally desirous of establishing the new treaty on the basis of the strictest justice, and consequently, of the most reciprocal advantage of both people.

On the 13th of February, 1793, we were informed by our minister, that, he having been instructed to transfer the negotiation of a new treaty of commerce to America, the thing wished was done; and that we may treat in August, 1792.

Mr. Genet's abovementioned letter of the 33d of May, 1792, enclosing the decree of February 19th, 1792, concluded in these words: "The obstacles raised with intentions hostile to liberty, by the preludious ministers of despotism, the obstacles, whose object was to stop the rapid progress of the commerce of the Americans, and the extension of the territory of the new States in the world, are, in the space of a few years, more than doubled. The latest regulations, if not the most stringent, which the people at the two sides of the mountains have seen, have been recorded to be called by all the names which their situation enjoys in her vast possessions; has invited them to participate the benefits of her navigation, in granting to their vessels the same privileges as those of our Government, that is, in a national compact, the liberal and fraternal basis on which she wishes to see raised the commercial and political system of both People; all whose interests are confounded.

I am invested, sir, with the powers necessary to undertake this important negotiation, of which the sad annals of humanity are not replete before the brilliant era of the American Republic. This important task has been intrusted to you. Henceforward, I am determined to establish a treaty, that is, in a national compact, the liberal and fraternal basis on which she wishes to see raised the commercial and political system of both People; all whose interests are confounded.

I find no answer to this letter from Mr. Jefferson; and be notices the steps which were taken in consequence of the fact that only in his letter to Mr. Morris, on the 33d of August, 1793, thus: "The Senate being then (33d May, 1793) in recess, and not to meet again till the 2d of August, 1793. The President, therefore, established a new stage of treaty, given by the King in that negotiation, he was more on the part of our Government, would, of course, delay any definitive answer to this friendly proposition. As he was sensible of this circumstance, he has been understood to lie over till the meeting of the Senate.
Upon this conduct of Mr. Jefferson, inviolate comments have been circulated; and it has been prevented into a testimony of our evasion, and of our disaffections to France, with a design to foment discussions between the two republics. Your exertions will doubtless frustrate the evil purpose.

I can not hope from the present state of the regulations of commerce; suffering, in the mean time, severities from her commercial regulations. Can any rational man believe, when he reads the preceding confidential letters from the Department of State to our minister in Paris, that they were fabricated to deceive? Deception must have been under no circumstances the design. The powers of the minister authorized for the execution of this treaty on our part, in the profession of a desire to improve the treaty, what culpable cause can be assigned for repelling an immediate negotiation? Were we looking for an adverse stroke to the affairs of France, in order to squeeze out greater commercial indulgencies? We have been charmed by Great Britain with too lively a sympathy with her success, to wish any material improvement in her commerce. But of the confidence entertained, and the confidential opinions upon this occasion. But the President came to an instantaneous decision, by receiving Mr. Genet in the face of the war with Great Britain; recognizing the treaties, continuing to pay our debt to France; accommodating her with money by pecuniary aid. Had the cause of republicanism any connexion with a change in the treaty of commerce, the President's remainder of it, without the protest of our minister, would have been a proof of a leaning towards England, is no less base, than unfounded in his calumnies. In short, it is absolutely incommunicable why the Executive should, from a policy which it will not avow, put off a treaty, for the reforming of the existing regulations. The invasion of his燲re made was so closely allied with the expectations, of profit to the husbandman and merchant, created by our neutrality. There was no such evasion; and the agreement or understanding between Mr. Jefferson and Mr. Genet cannot be wrought into such a shape. Being without documents, containing the whole of their conversation, I have no other clue to it than the letter of August 25th, 1793, the nature of the subject, and the circumstances of the period, as explanatory of the postponement of the negotiation.

It is of no consequence to inquire, whether it was or was not more agreeable to Mr. Genet that the negotiation should lie over, when he heard that a definite answer must be delayed until the meeting of the Senate. Notwithstanding it has the appearance of being the voluntary act of both; especially as Mr. Genet suffered it to rest upon an oral discourse, and never had, nor asked, a written answer; yet let it be conceded to have been, on the part of Mr. Jefferson, an act of the Government, and on the part of Mr. Genet, a respectful submission.

But when the President pronounced an opinion in favor of the Senate's advice and consent of the Senate. A definite answer was, therefore, necessarily deferred. He did not allege that intermediate discussions could not take place; nor indeed does it appear that either of those gentlemen turned their attention to the preliminary negotiation; which might have been opened before the assembling of the Senate. It is evident the President pronounced his opinion in favor of the Senate's advice and consent of the Senate. An answer was, therefore, necessarily deferred. He did not allege that intermediate discussions could not take place; nor indeed does it appear that either of those gentlemen turned their attention to the preliminary negotiation; which might have been opened before the assembling of the Senate.

The President's opinion pronounces his intention, in the remoulde of the treaty, to be derived from evasion, or alienation from France, stood in the way. 1. "On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves," that it was extremely desirable to avoid any exchange which would absorb much time, and might be postponed; in order that the Executive might be unharassed in its superintendence of our neutral character. 2. The commencement of the war in the early part of September, 1793, been seen by the world, yet cannot they judge of the perplexities and researches which were the foundation of the documents published, and which hourly occurred to the President, so that he, and the Congress, were unable, and ought not, to consult the Senate, which was most injurious to our interests. 3. The power of the President to authorize the Secretary of State, or indeed any other person, to diggest the matter of a treaty, has been recognized in practice in several forms; one of which is barely to nominate, with the advice and consent of the Senate, a person to whom he assigns the treaty. In a former case, which the treaty which was negotiated at the seat of Government, the treaty with the Creek Indians at New York, in 1790. The Senate being on the spot, and, therefore, convenient to the negotiation, were asked, as the subject was passing, whether they would ratify certain clauses, if inserted in the treaty. In the re-adjustment of the treaty of commerce with France, it was probably wished to repeat the same measure.

What would have been gained by France, by precipitating the negotiation? The preliminary discussions might, perhaps, have closed a few months sooner on the side of the President; but it is entirely uncertain whether the affair would have been expedited by any step, so much as by consulting the Senate upon points of particular importance. The President's work was made to depend upon the Senate; and the Senate's was dependent upon a negotiation in the United States, and is unsustainable in a negotiation elsewhere. However, if a commencement had been made, I question whether, from the time which is indispensable for so grand a transaction, and the unvulnerable interruption incident to the new state of things, we should not have been obliged to interview the President, by a paper, in which the French wrote that we were too much employed in steering clear of the war, to attend for the present to the remoulde of the treaty.

Had the Executive been indisposed to the treaty, why did he in a manner pledge himself to negotiate with the Senate? If he was under the necessity of having a treaty, French was it expired at the end of 1792. 2. The President's original previsions of the treaty with France, it was really supposed, by the Executive of France this delay, which has prevented, as yet, our formal accession to their proposition to treat with them, that the President will meet them, with the most friendly dispositions, on the grounds of treaty proposed by the National Convention, as soon as he can do in the forms of the constitution; and of course to suggest, for this purpose, that the powers of Mr. Jefferson, which were renewed to his successor. A formal access to the treaty, and a negotiation in the forms of the constitution, appear to be still preferred to informal discussions, for the reasons already assigned. It is impossible to look into this subject, without remarking that other principles may be equally, upon which the Executive might have refused to treat immediately but which do not apparently influence his decision. His attention must have been arrested by the diction of Mr. Genet's overtures. The President and the French republic had hitherto agitated a change in commercial regulations only; when Mr. Genet announces a desire to modify the political connexion also. The private meaning of the term political was not, though the usual or natural interpretation was, that the political relation, established by the treaty of alliance, was to be proposed to be revised. The movements which have been noticed, of Mr. Genet, before his arrival at Philadelphia from Charleston, were in perfect union with this interpretation. The very decree of the 19th of February, 1792, liberal in its language, but a concession for the French colonies could not be fed without supplies from the United States; and the suspension of the law of May 15th, 1791, which had inhibited the Americans from introducing, selling and arming vessels in France, and from enjoying all the privileges allowed to those built in the ship yards of the republic, was calculated to confound the French negotiations.

To confirm the real views of the Executive Council of France in the regeneration of the treaty, recollect these passages in Mr. Genet's instructions:

That the executive council are disposed to set on foot a negotiation upon those foundations, and that they do not know what the President of the United States will more extensive, in becoming a national agreement, in which two great powers shall suspend their commercial and political interests, and establish a mutual understanding, to defend the empire of liberty, wherever it can be embraced; to guarantee the sovereignty of the people, and punish those Powers who should enter into foreign intrigues, or establish a confederacy for the ports of contracting parties. Such a pact, which the people of France will support with all the energy which distinguishes them, and which they have already given so many proofs, will quickly contribute to the general emanation of the new world. However vast this project may be, it will not be difficult to execute, if the American people determine on it; and it is to convince them of its practicality that citizen Genet must direct all his attention for,
Besides the advantages which humanity in general will draw from the success of such a negotiation, we have at this moment a particular reason to desire that it may be happily concluded. The Powers attack us from hatred to our principles; if the English ministers, instead of sharing in the glory of France, instead of considering that our liberty, as well as that of those people whose chains we have broken, forever establishes that of their own country, suffer themselves to be influenced by our enemies, and by those to the liberties and possessions we have gained, and to the cause of the Revolution, that they may extinguish the nostrums making in Great Britain every day more and more serious, and have an intimate connexion with those of Spain. The friendship which reigns between the ministers of the last Power and those of St. James's proves it and in this situation of affairs we ought to excite, by all possible means, the zeal of Americans, who are as much interested as ourselves in the fate of the Republics on our coast. They are our natural allies, and it is our interest to make them so. Their own safety still depends on ours, and, if we fail, they will sooner or later fall under the iron rod of Great Britain. The executive council has no reason to believe, that these reasons, in addition to the great commercial advantages which we are disposed to concede to the United States, will determine their Government to adopt the measure, that all that citizen Genet shall propose to them on our part. As it is possible, however, that the false representations which have been made to Congress of the situation of our interior affairs; of the state of our maritime force; of our finances; and especially of the storms with which we are threatened; may make her ministers, in the negotiations which they are now engaged, do violence to their principles, and avail themselves of every pretext, in expectation that the American Government will finally determine to make a common cause with us, to take such steps as will appear to him exigencies may require, to serve the cause of liberty and the freedom of the people.

The project, therefore, of a treaty, on the basis of Mr. Genet's propositions, ought to have been well explored before the first advance. To assent to them, if it would not have been a departure from neutrality, would at least have magnified the suspicion of our faith, without a confidence in which that neutrality must always be insecure. To reject them was to incur discontent, possibly a breach with our ally. The councils of nations ought to be superior to the passions which drive individuals. Permanent good being the polar star of the fore, they will often have to encounter the impetuosity of the latter, who substitute occasional feelings for sound policy.

Admitting that the non-establishment of a constitution, and the rapid successions in the administrative bodies, could not weaken an agreement once fixed, even under the pressure of war, there was no probability that the party, which was the first to make the move, could have secured a treaty with the English, equally possible those who should rise upon the ruins of his friends. We knew from letters, that, as far back as Aug., 1792, the movers of the Revolution on the 10th of that month were, sooner or later, destined to be victims: the fact that was remembered was the overtures of the downfall which awaited them. That, in March, 1793, an insurrection was brewing for the destruction of the Girondine; and that the revolutionary tribunal, vast and unbounded in its domination, had been erected. Was this, then, a season for "modifying the political connexion," when we might have drawn hostility upon our heads, by betraying a spirit not impartial, and by taking measures which, amid the fluctuations in the leaders of the French politics, might not have been sanctioned? And what did actually happen? The conduct of the Robespierrian faction was directly the reverse of the Brissotine; the one encouraged, the other abolished, private trade. For the evidence of this fact, I refer you to your own knowledge; to the vexations of our commerce; to the decrees which violated our treaty; and to the decree of October, 1793, which took all trade into the hands of Government. Nor can I omit the demonstration of a general instability, as it was delivered in a late report of the five committees:

"Let us be persuaded, and let us proclaim it openly—it is to that perpetual change that all our evils are owing. Our republican annals do not yet include three years, and by the multiplicity of events, twenty centuries appear relatively calm. Your progenitors were subjected to revolutions, to abdications, to usurpations,—all have changed, every thing changes yet; and, in this continual ebb and flow of opposite movements, in vain would the Government pretend to that confidence which can only be the result of a steady and wise conduct, and of a constant attachment to principles.

"Commerce necessarily disappeared through this astonishing succession of contrarieties, and in a country where individuals, incapacitated for making any sure calculations, see around them nothing but a wide prospect of changes.

"Credit is a tender plant, which needs gentle and regular winds, and cannot grow in a tempestuous cliime, or soil so torn.

"If it be true that we should put a period to the reign of uncertainties, and fix invariably the principles of justice, equity, and loyalty, which should be the guides of our conduct. Let us hasten to subject the internal administration to a regular system. Let us especially take care that no measure ever gives rise to fears concerning the solidity of the monarchical government.

"When the Government, steady in its march, shall have shown the real end they aim at, when they have rendered an account to itself and to others, of the system it intends to adopt; when the Convention, dismissing those unfortunate bucklerings which have too often impeded their progress, shall attend solely to the happiness of the people of the time, and thus cease to reject with indulgence all measures which our inhriters, in the least degree, of the principles of justice and good faith which should direct them; then all alarms will be at an end, and the restoration of the finances, of credit, and of commerce, may be undertaken with assurance of success."

"Why the subject was not resumed with Mr. Genet is well known to every body who has heard of his excesses, and our declaration to the French republic, that we should expect his successor to be charged with similar powers. His letter of the 30th of September, 1793, written after the application for his recall was announced to him, was prevented, by the malady of Philadelphia, from being received by this Department, until the 6th of November, 1793. We were then coming upon a return of the vessel sent to France on that errand. Congress met in December, 1793. Our minister's letter, notifying his recall, came to hand January 14th, 1794; and Mr. Fauchet actually replaced him on the 21st of February, 1794. Let me observe, however, in passing from Mr. Genet to Mr. Fauchet, that his threat to withdraw the privileges in the decree of March 26th, 1793, and the decree itself, are strong symptoms of the result of the negotiation being more than one merely commercial. For the different alterations between him and Mr. Jefferson, to whom the reference is given, you will learn from Mr. Fauchet demanded the arrest of Mr. Genet, for punishment. Our co-operation was refused, upon reasons of law and magnanimity.

"Possessing, at his instance, for relief of the vessels which had taken refuge in the ports of the United States. We have advanced money faster than was due; and full as fast as prudence, in respect to our own wants, would permit.

The ship of the Camilla, a provision vessel of the French republic, was the effect of the embargo, which operated greatly on all. Our minister was recalled, as he desired. Mr. Fauchet complained of British vessels being suffered to depart during the embargo, with Frenchmen who meant to act against their country in the West Indies. Occasional relaxations were, however, made in the embargo, French ships, and in the particular case of the Camilla, the passports were supposed to be granted to American bottoms, for the humane purpose of returning to the islands some of the unhappy French fugitives from thence; and one of them, given to a vessel at his instance, exported a large quantity of powder, doubtless without his privity.

"TheROTTERDAM, which had been ordered to discharge its cargo by the American Minister, took Juteau, of Boston, as Mr. Fauchet desired. Whatever irritation may have been occasioned by the attorney of the district, was owing to no instruction from the President.

"The demand for dismantling Cooper's vessel was inevitable, as she had been fitted out in our ports; and wherever, in any case, restitution of vessels was required from us, the rules of our neutrality fully justified it.

"We restored the ship William, of Glasgow; and the damages during her detention have been assured to the agent of the captors."
FOREIGN RELATIONS. [1797.]

The steps adopted, and promised, for executing the consular convention, in the apprehension of deserters, are as much as could be done or expected.

The Government, indeed, differed from Mr. Fauchet in the construction of the treaty; not holding themselves bound to exclude British ships of war, except when they came in with prizes.

It is true, however, that the object of Mr. Genet’s successor should be charged with commercial powers, yet is it not known or believed he brought any. No writing from him announced its nor yet any conversation with me; unless, indeed, in November or December last, when Macpherson’s Blues were coming into town, and I were together looking out at them from his eastern windows. He then made some casual observations respecting Mr. Jay’s negotiation. And it appeared nothing indefinite as to our treaty of commerce. My answer was, that I should be ready to receive his overtures. It would have been indecent to ask him formally whether he had such powers; but a distant hint was given by me to him, two or three months after his arrival, upon the subject; and, from his reply, I did not infer, whether he had or had not them. I am rather disposed to conclude he had them not; because he was appointed minister during the reign of Robespierre; who, as we have seen, almost extinguished commerce; and when a decree was in force assuming into the hands of Government all trade.

If Mr. Fauchet had been ready, we should have proceeded simply and without procrastination.

These are the most material of Mr. Fauchet’s transactions with the Government; except, indeed, the abomination of the embargo; the whole of which you business you witnessed yourself, and can show to have arisen from very different motives than those of disregard to France.

I have before observed, that Mr. Genet’s successor should be charged with commercial powers, yet is it not known or believed he brought any. No writing from him announced its nor yet any conversation with me; unless, indeed, in November or December last, when Macpherson’s Blues were coming into town, and I were together looking out at them from his eastern window. He then made some casual observations respecting Mr. Jay’s negotiation. And it appeared nothing indefinite as to our treaty of commerce. My answer was, that I should be ready to receive his overtures. It would have been indecent to ask him formally whether he had such powers; but a distant hint was given by me to him, two or three months after his arrival, upon the subject; and, from his reply, I did not infer, whether he had or had not them. I am rather disposed to conclude he had them not; because he was appointed minister during the reign of Robespierre; who, as we have seen, almost extinguished commerce; and when a decree was in force assuming into the hands of Government all trade.

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The communication, says the message, which I have made to you, during your present session, from the deposition of our minister to London, contain a serious aspect of our affairs with Great Britain.

The first of these communications was to Congress on the 6th of December, 1793; in which are the following passages:

"The British Government having undertaken, by order to the commanders of their armed vessels, to restrain, generally, our commerce in corn and other provisions to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time we have received from them a copy of his letter, and I may expect to learn the result of his special instructions in time to make it known to the Legislature during their present session."
mission when they confirmed the nomination. For the President details no powers, and founds his nomination upon the information possessed by themselves.

It has been, or may be, objected, 1. That the Senate did not contemplate the making of any treaty whatsoever, unless stated in the instructions. But this is not the only or the principal object of the Senate. It avowed the necessity of it, and the instructions to our own minister at Paris, induced a persuasion that the President had not vested in Mr. Jay powers as extensive as a treaty of commerce; and 4. That the treaty with Great Britain is justly offensive to France.

We have already seen several times, that, whatever advantage in the power of the Senate, when the nomination was assented to, Scarcely one of them could, in the ordinary course of proceeding, be accommodated without an agreement. So expressly struck at the inexecution of the past treaty. Upon others, no treaty had ever existed, though, overtures for that purpose had been repeated by the United States. That a treaty would spring from such mission, and be concluded on the same terms to the advantage of France.

And why should not a treaty be concluded with Great Britain? Was it because she had despoiled us? The objection would lie with equal strength against even a treaty of peace. It would forbid a treaty of peace with every Power too. France and Spain are both guilty of treaty or injustice, and the latter, except her, is much more dangerous or by positive enmity, or by the withholding of some benefit. We are in no danger of being corrupted by importing foreign vices, if treaties merely, and not our own propensities, should favor them.

2. A treaty of commerce with Great Britain has for many years been anxiously pushed by the United States. What is the present situation of Great Britain? Witness the 1796 and 1797 negotiations against her for declining it. Witness the bill which passed the House of Representatives at an early session, discriminating between nations having no commercial treaty with us, and those which had. What, then, do the Secretary of State, but a plan for forcing the British Government into a treaty of commerce? Has he not clearly unfolded this sentiment? What were the commercial propositions but emanations from the same system? The want of a commercial treaty was the single circumstance which propped up the severity of the proposed distinction of acts between us and the nations of Europe?

Exclusively of these various acts, the facilities to our commerce, both European and West Indian, which would flow from such a treaty, rendered it very desirable. Perhaps, for a treaty of commerce alone, an envoy would not have been thought of. But surely, to include in one negotiation the general interests of the continent, the saving of one negotiation at least. Some of our vexations on the water were owing to the non-existence of the customary appendages to a commercial treaty. Past stipulations might have been compensated without a treaty; but a treaty was the best assurance of the future. In a word, the Senate must have been sensible of many particulars being comprehended by the general outlines of the nominal.

When the President nominates ministers, he may, if he pleases, restrict himself to the name, the grade, and the Prince or State. He might, for example, have nominated Mr. Jay this: "I nominate John Jay, as envoy extraordinario, plenipotentiario, and minister, to the United States of America, in the Court of France." If he这样的话, the President would have been at liberty to employ him in any negotiation with that King. Their power being ample on the completion of the treaty, they are not a necessary constitutional party in the concoction of it, unless the President should find it expedient to request their immediate advice. It would be superfluous to discuss how far he might have limited himself by the terms of the nomination, as I again contend, and hope I have shown, that he did not limit himself.

3. We cannot foresee the representations which Mr. Fauchet might make to his Government with respect to Mr. Jay's mission to London, you may say, that he is positively forbidden to weaken the engagements between this country and France. It is not improbable that they will be obliged to encounter on this head, suspicions of various kinds. But you may declare the motives of that mission to be, to obtain immediate compensation for our plundered property, and restitution of the rights of our merchants. You may intimate, by way of argument, but without ascribing it to the Government, that if war should be necessary, the aforesaid the people of the United States towards it would be better secured by a manifestation that every step had been taken to avoid it; and that the British nation would be divided, when they found that we were not our own country's enemies. It is not necessary that you communicate this to your principal minister, and also with respect to France, since we are unable to give her aids of men or money. To this matter you cannot be too attentive; and you will be amply justified, in repelling with firmness, any imputation of the most distant intention to sacrifice our connexion with France to any connexion with England. When we expressed a wish to "prosper the British ministry" it could not signify that we were prepared to sacrifice our own interests to theirs; by submitting to the pleasure or caprices of France any part of his instructions with which France had no concern. A contrary conduct would have been irreconcilable, also, with the independence of the United States, and would have put them into leading strings. It would have been little short of treachery under a master. 1. A treaty of commerce was altogether eventual: it was to be kept out of sight, until the posts and depreciations should be so adjusted as to promise a continuance of tranquility. 2. It was eventual in another sense; being to be concluded or not, according to the degrees of advantage. 3. It was deemed important that Mr. Jay should communicate his commercial powers to the British ministry. 4. Every commercial privilege which Great Britain should acquire, would devolve on France on like conditions. What would France say, if we were to insist that every envoy of her commercial treaties, every possibility of new commercial arrangements, should be laid before our Government? Certainly this: that no fellowship between the two countries, authorizes an expectation that their government will throw itself upon the discretion of the other to war or not its negotiations; and that national honor is an ample guard of our treaties.

Among the numberless disgusts which nations have entertained against each other, I do not remember that a treaty of commerce was ever made by the people of some nations, except it was only between several foreigners. Let me cite only two: When Portugal, early in this century, surrendered many of her commercial advantages to Great Britain; and France, not ten years ago, contracted a disadvantageous treaty with the same Power; who intimidated but their own subjects and people? If we are told that we ought not to draw our connexion closer with Great Britain, and that France will be jealous, the answer is, that if we can multiply the markets for our great staples; if we can purchase our foreign goods cheaper, by having many manufacturing nations to resort to; or if, even, in the maintenance of neutral privileges, we can, by stipulation, not derogatory from the rights of others, alter vantulations; is a commercial privilege available by any reasonable opposition. The romantic extent to which commercial privileges can be carried, would abolish every object of every nation, and all institutions appeared false government, false religion, false morals, false policy, or any other political defect.

Your instructions justify you in affirming, that Mr. Jay "is positively forbidden to weaken the engagements between this country and the Powers of Europe. At the same time, the latitude of this sentiment is tolerably great; it is, in fact, an exception, and imputable: "That as the British ministry will doubtless be solicitous to detach us from France, and maybe probably make some overture of this kind, you will inform them, that the Government of the United States will not derogate from our treaties and engagements with France." You will make no reference to an exclusion from Mr. Jay's mission of every object, except compensation for plundered property, and restitution of the posts. For a moment, let me entreat you to call to mind the different topics for negotiation, which were actually before the Senate at the time Mr. Jay's nomination, and which were not included in either of those points. Were not Mr. Jefferson's instructions upon the refusal of Great Britain to enter into a commercial treaty, and his plan for commercial reprisals, before you?
Would it not have been extraordinary to pass by so fair an opportunity of bringing forward all our discontent? Was it not urged as an objection to the measure, that the terms of the nomination were sufficiently broad for any purpose of negotiation? But appear one of these objections, and it was said that we were not entitled to make any claim to the British Ministry, for if they had been away, it is probable that our minister in London would have been directed to pursue his efforts in the ordinary tract as to every thing else. This was the true idea, when your committee prepared: "We were desirous of compelling any imputation of the most distant intention to sacrifice our cause to any contingency admitted. It would have been a piece of gross enormity, and contrary to the principles of the British Ministry, to suppose that there was any difference between the United States and Great Britain, concerning the treaty of peace." It is referred to your discretion, whether, in case the two preceding points should be so accommodated, as to promise the continuance of tranquillity between the two countries, you would not be listened to, or be even broken to the British Ministry. If it should, let these be the general objects.

Your instructions, therefore, were commensurate with fact and propriety.

1. They were literally true, because the motives were the vexations of our commerce and the posts.

2. The answers were too wide, and the motive does not always arise from the eventual.

3. The confidential proceedings of the United States are not demandable by another nation, except where that nation is injured by them.

4. Otherwise, every modification of a direct and perspicuous challenge of our rights; every compensation, but the drawback payment, every mode of restitution which was not instantaneous and unqualified, ought to have been avoided by Mr. Jay because they were not stated in your instructions as motives to his mission. But, 6th. To scout the suspicion of a deception on the French republic, what manœuvre could have been more paltry, than one which for motives must certainly exhibit in seven day? What emotions could the French republic have shown, if Mr. Jay's instructions had been inspected by them? Would they have hazarded a hint that we must have no treaty of commerce with Great Britain? We should have quoted their own example, in having repelled by arms the meddling of other nations in their internal affairs. We should have quoted our own independence, which would tolerate the control of any foreign authority in this island. What emotions could the French republic have shown, if Mr. Jay's instructions had been inspected by them?

5. And our objections were too wide, and the answer does not always arise from the eventual.

6. The confidential proceedings of the United States are not demandable by another nation, except where that nation is injured by them.

7. Otherwise, every modification of a direct and perspicuous challenge of our rights; every compensation, but the drawback payment, every mode of restitution which was not instantaneous and unqualified, ought to have been avoided by Mr. Jay because they were not stated in your instructions as motives to his mission. But, 6th. To scout the suspicion of a deception on the French republic, what manœuvre could have been more paltry, than one which for motives must certainly exhibit in seven day? What emotions could the French republic have shown, if Mr. Jay's instructions had been inspected by them? Would they have hazarded a hint that we must have no treaty of commerce with Great Britain? We should have quoted their own example, in having repelled by arms the meddling of other nations in their internal affairs. We should have quoted our own independence, which would tolerate the control of any foreign authority in this island. What emotions could the French republic have shown, if Mr. Jay's instructions had been inspected by them?

4. You are by this time probably acquainted with the treaty of Great Britain, through the communications of Colonel Trumbull, and must have determined in your own mind its probable effect upon the French republic. Until it shall have been opened a way for a satisfactory communication, as the object, you shall receive an immediate and copious communication, and more particularly in relation to the 4th inquiry, Whether the treaty with Great Britain affords just cause of offence to France? I am rather inclined to waive this inquiry, for the present, in consequence of information that the French minister is concernting an attack on the ratification of the treaty and that sentiments, no less eccentric than fatal to our independance, are to be scattered, at random, from a confidence in the popularity of the French cause. Be the issue of this business what it may, our Government will neither renounce its professions and friendly conduct to the French republic, nor assent to any impropriety which their agent may display. But you ought to know that the terms of their treaty have already (if newspapers may be credited) revived the old machinations and malicious stories of Genet. The fuel which his successor may add, from considerations and sources which I may, perhaps, hereafter explain, will receive a direction hest directest calculation to excite a flame. A flame which has spread itself over the whole expanse of an island, and is accompanied by a letter, is our refutation. We acknowledge nothing to be undone on our part which friendship would dictate, our faculties could accomplish, and our neutrality would permit. If injuries are complained of, let us reason together like cordial allies and compensate where either may have been in fault. But let it be the last blot in the annals of the United States and France cease to be what they ought to be, friends, who will endure no separation.

I now quit this lengthy subject; and shall, in other despatches, more precisely reply to the different letters which I have lately received from you.

I am, &c.

EDM. RANDOLPH, Secretary of State.

Mr. Monroe to the Secretary of State.

Pars, June 4th. 1795.
of the preponderating party, so the movement appeared to be directed unequivocally to that object. The sentiments of the Convention were forced upon the French mind, in a instant, the party, preceded by a legion of women, entered and spread itself throughout the hall of that assembly. The situation was broken, and young France was at its most confusion. In a contest which took place between Ferrand, one of the deputies, a gallant and estimable member of the party, for the protection of the chair and person of the President, which were threatened with violation, the form of a pistol was found towards his body, was borne on a pike by the perpetrators of this atrocious crime, in triumph, into the bosom of the Convention. It seemed, for some time, as if that body, or at least the leading members in the preponderating party, were doomed to adopt a system of force to be secunded by a system of guise and flight. During this conflict, however, the whole assembly behaved with the utmost magnanimity; no sympathy was lost. Four were brought in, without any ceremony, to dishonor the great theatre on which they stood; and Boissy d'Anglas, who happened to preside, not only kept his seat, but, in the exhibition of his deportment a calmness and composure which became the dignified and important station which he filled. Then, after twelve o'clock, when it was terminated by the decisive effort of a body gathered from the neighboring sections, planned by the united committee of the executive, and with several of the most distinguished, Kervelegan, Anguissola, Castan, and others, the hour was in hand, nor did they cease the crisis. It had rescued the Convention was re-established, and proceeded, as upon the former occasion, to a review of what had passed in the course of the day.

The insurmountable in possession of the reins of Government, and after Boissy d'Anglas had retired, they placed the President Vernier in the chair, by force, and began an organization upon the principles that were first avowed.

They rebelled, in a mass, all the heads that were passed since the 9th Thermidor: recalled Barrere, Billault de Varennes, and Collot d'Herbois; took possession of the taciturn and the talkative; ordered the barriers of the city to be closed, and were upon the point of arresting all the members of the committee of the executive board, having appointed a commission of four deputies to take their places, and with full power to act in their stead, that, in the hour, the party for was not necessary, and with accumulated force. At this moment, however, the plan of the committee, who had continued their sitting, was ripe for execution, and fortunately the stroke was given before the system was completed.

But this was not ended by the expulsion of the insurgents from the hall of the Convention itself. They retreated back to the barricades of the city, and there, for a while, they opposed its authority. In the course, however, of the succeeding day, a considerable force was established there, under the direction of an honest and devoted member of the Convention. From those sections who voluntarily offered their service, amounting, perhaps, to fifteen thousand; and having the command of the committee of public safety; so that order may be considered as completely established, the authority of the Convention being triumphant and secure.

As soon as the Convention resumed its deliberations, the effect of those who had offended in the communion of the sea was the first object which engaged its attention. Whilst the insurgents were in possession of the hall, the members of the festival committee of the former Convention, who were already there, from Marseilles, and the neighboring country, a report to that effect being yesterday presented to the Convention of its dissolution; so that order may be considered as completely established, the authority of the Convention being triumphant and secure.

It is to be observed, that the character of this movement was decisively anti-monarchical. Its success, if the revolutionary party ever have revived the reign of terror, and most probably carried all the aristocrats, with the leading members of the preponderating party, it was called "the May and the Constitution of 1793," were written upon the hats of many of the insurgents; and whilst the hall and its victims were surrounded by the representatives of the maintenance Barrere, &c. the fedle voice of one aristocrat only was heard in favor of the constitution of 1789. Indeed the question in the hall, in the hope that, if a commotion took place, the 18th of June, when the Convention was dissolved, the standard of royalty would be erected, and the monarch re-established; and who were, in the interval, from the hour of the serious, little about the course of a week, and who are to be tried according to an arbitrary, in common with others who had suffered, it is observed, in the unrelenting of this thing, to remain in the same state of inactivity, greatly agitated, but taking no part. As soon, however, as the object of this latter movement was understood, and it became obvious that, in case it succeeded, terrorism, and not royalty, would be re-established, the disposition of this party towards the Convention, which appeared in its support. But, in truth, the force of this party in this city, and especially upon the late emergencies, did not appear great. The most gallant of its members are either upon the frontiers, at war against the republic, or have fallen already in number and vitality. These, too, consist of those who were of sufficient age to take their part in the commence-ment; for the young men of Paris, who are descended from it, or from others of the more wealthy inhabitants of the city, and who have attained their maturity during the Revolution, and whose evidences of spirit which it was natural to expect such splendid examples of patriotism would create, on which the most general, on the side of the Revolution.

That there should be a party of any force in the republic, or rather of sufficient force to disturb the Government in the manner you have seen, disposed to subvert the present system, and establish a new, without your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise. You will naturally be inclined to ask, of what character of citizens is it composed? what their numbers and ultimate views? since it is said that a system of terror, as a permanent system of Government, can never excite your surprise.
FOREIGN RELATIONS.

In every view, therefore, they must be deemed enemies to royalty, and as such, it is natural to expect they will feel a great sensibility upon all those questions which, in their judgment, have a tendency to promote it. Whether any such have been agitated or contemplated is, perhaps, doubtful: I have thought otherwise, and still think so. But it cannot be denied that many circumstances have presented themselves, in the course of the collision of parties, that were sufficient to create a strong prejudice against the court; and a portion of the latter were such as to indicate that the leading members of the preponderating party were prepared to abandon the republican scale, and incline towards monarchy, is certain. The inhabitants of these faubourgs having sided always with the Mountain party, had, on many occasions, been disaffected; and the conduct of the leaders, therefore, or rather their leaders, have been, in their turn, persecuted by the royalists. But they have likewise threatened that the party should be persevered by the present preponderating party, with whom they were engaged in uninterrupted warfare, before and since the time of Robespierre. In this respect, therefore, they saw the present preponderating party and the royalists to be united in the same design; and consequently, it was inevitable, if this was alike seen, under the administration of this party, the royalists enlarged from prison, and other measures of that kind adopted, which have probably fortified them in this belief. A report, too, which has been circulated through the city, that under the name of organic laws, it is contemplated by the committee of eleven, to introduce some important changes in the constitution, was, no doubt, a subject of sufficient interest. In an attempt to explain the cause of these movements, the above circumstances have appeared to me to merit attention, and, with that view, I have presented them.

In the last harangue I have laid before the present preponderating party and the royalists, even with respect to the terrorists, is a fact of which I have no doubt. The reign of terror continued until it could last no longer. It was necessary to suppress it, and it was suppressed. That the royalists wished this event, and gave it all the aid they could, is certain; but that their efforts were of any service in that respect is doubtful. Indeed, I was persuaded that for some time they produced an opposite effect, and for reasons that are obvious: for, as the preponderating party sought the establishment of the republic, and knew that the mountain party had the same object in view, it was reasonable to expect that, after the former had gained the ascendency, it would be disposed to treat with the latter with respect to foreign policy and monarchy; and equally so to presume that the same spirit of magnanimity which inculcated this disposition towards the republicans, and clothed them with its confidence for its political policies, would dispose to it with disdain the aid of the royalists, who were enemies to both. The sentiment is to be traced through all the measures of the Convention, from the 9th Thermidor to the 1st Prairial; for it, indeed, was the internal revolutions of the party that betrayed the convention, whilst they repudiated their principles; and terminating in other respects the reign of terror, whilst they avoided, as far as possible, the punishment of those who had been the principal authors and agents under that reign. Indeed, this party has appeared to me, and so I have often represented it to you, as equally the enemy of the opposite extreme. It has had the same object in view as that which the royalists had, and who I have concluded, from those data the Revolution itself has furnished, as well as from my own observations since my arrival, (the latter of which, it is true, has been confounded to a small circle) are destitute of a free republican spirit, which should be to guard them against the pernicious consequences that always attend a degeneracy into either of these extremes.

You will likewise ask, what effect have these movements had upon the public mind, in regard to the present system? Is it not probable they have already wearied the people out, and in consequence inclined them to royalty, purely from a desire of repose? That they are all wearied is most certain; and what may be the course of events in the progress of time, I do not pretend to determine: these lie beyond my reach, and indeed beyond the reach of all men. I only undertake to deduce immediate consequences from the facts which I witness; and when I see that these facts are supported by the operation of the principles in the mind of the people, I consider their present, to renounce their creed, and cling to the Convention for security, I cannot presume that the moderates, who are republican, will quit the safe ground on which they rest, their own ground, too, and become royalists. Royalty, therefore, I consider at present as altogether out of the question. But that these convulsive shocks, and which are of the nature of an extreme, may produce some effect, is probable. In my opinion, they will produce a good one: for I am persuaded they will occasion, and upon the report of the committee of eleven, some very important changes in the constitution of 1793; such as a division of the legislature into two branches, with an organization of the executive and judiciary upon more independent principles than that constitution admits of; upon those principles, indeed, which exist in the American constitution, and are well understood there. Should this be the case, the republican system will have a fair experiment here; and that it may be the case, must be the wish of all those who are the friends of humanity everywhere.

The words of Mr. Pinckney are at this moment engaged, Mr. Pinckney arrived here the other day to Madrid, and was a spectator of the great scene it exhibited to the close: a few days after which he pursued his route, by the way of Bordeaux, where, before this, he is probably arrived. Whilst here, I presented to his view what had passed between this Government and myself upon the subject of his mission: assuring him, from what I had heard and seen, that I was of opinion, and could explain upon the grounds of the convention, that they had laid no claim upon what aid they conveniently could in support of his negotiation; satisfying them, at the same time, that they were not injured by Mr. Jay's treaty, they would do it. I likewise showed him a letter I had just received from Mr. Short, written at the instance of the Duke de la Acula, to request that I would promulgate, by certain communications to this Government, a negotiation between Spain and this republic, he having previously and positively informed Mr. Short that our demands should be yielded and adjusted at the same time. Mr. Pinckney was sensible of the benefit which the aid of this republic could yield in his negotiation, and wished it; but upon mature consideration, was of opinion he could not request such aid without a conditioning precedent, and new Mr. Jay's treaty, and which the states did not choose to do, for considerations delicacy forbade me to inquire into. It was, however, equally his and my wish that his journey through the country should be marked with all those circumstances of reciprocal civility between the Government and himself, which are always due, and generally paid, when the representative of a foreign nation visits the committee, and obtained for him an amicable interview with the members of its diplomatic state, and by whom he was received with the most respectful attention.

But I may as well be at this time already seen that England and Spain are each, and without the knowledge of the other, seeking a separate peace with this republic. What the motive for such secrecy on the part of the former is, remains to be hereafter unfolded: but what it is on the part of the latter is easily understood: for as she apprehends, in case a peace is made with France, a declaration of war from England, and of course, in case the attempt to obtain peace is known, some new pressure from that Power, it follows that she must wish the arrangement to be complete, to guard her against the ill consequences which might otherwise attend such an event before any thing upon up that head transpires. As soon, however, as it is known to Spain that England seeks a separate peace, her jealousy of the views of England will be excited, and she will become active for an engagement, or at least, at all events, by which she can be preserved, cannot be considered as remote. Whether our claims upon Spain will be attended to, under existing circumstances, in that adjustment, is a point upon which it is impossible for me to determine: for, as a member of the committee, I have been, and am still, without communication with the committee, I have lately forborne all further communication with the committee upon that subject. Mr. Pinckney will be able, soon after his arrival at Madrid, to ascertain the temper of the Spanish court in regard to our demands, and the means by which his present peaceable views will be best effectually prosecuted; and it may be that the views of which I have spoken will be known, and which the laws of Spain may not allow the dictation of the line in which, if in any, I may be serviceable; and in the interim, I shall not only be prepared to co-operate with me may suggest, but to obey with promptitude any instructions you may be pleased to give me in this or any other respect.
achieved in this post, one of the strongest in Europe, has opened the campaign on the part of France with great brilliancy. As it was taken, too, after a long siege, and when all possible efforts to raise it had proved abortive, it not only demonstrates the superiority of the French arms in the present stage of the war, but furnishes satisfactory ground whereon to calculate, according to the former course of events, this ultimate termination of resistance. Young perhaps had reason to form, as it was contemplated, made his life, with the Government, an object of interest, since it would have forwarded, in some respects, its views in the depending negotiation.

I have just been honored with yours of April 7th, and shall pay due attention to its contents.

P. S. I am sorry to inform you of the death of Mr. Coffyn, consul for the port of Dunkirk. His loss is to be regretted, as he was able, diligent, and faithful, in the discharge of the duties of his office. His son is very desirous of succeeding him, and certainly, if any one not an American, is appointed, it will be impossible to find for it a more proper candidate. This is only to point out some merits of the father, who was distinguished for his services and attachment to our country, entitle his memory to some attention, and doubt not your letter of acknowledgment, addressed to his son, on that head, through me, will be gratefully received.

Mr. Morse to the Secretary of State.

PARIS, June 9th, 1793.

Sir:

Since my last, is reduced to a certainty that the British Government has revived its order of the 6th November, 1793, and commenced, on this side the Atlantic, the same system of warfare and pilage upon our commerce that was practised on it by that Government at that very calamitous era. Between thirty and forty sail, does not the British Government, have been already taken from their destination and carried into those of that island; and, as the period has arrived, when the invitation which the distresses of this country gave to our merchants here and at home, to embark their fortunes in this supply, is likely to produce its effect, it is more than probable that other vessels, and to a great amount, will share the fate. Among those of our vessels that are at sea, who they seem to be, and what part of the enemy, at present, is less than the ruin of their trade, and under which impression many are about to abandon it for the present, and send their vessels home in ballast. What effect this measure will produce upon this Government, under existing circumstances, I cannot pretend to determine. Formerly it adopted the same measure, for the purpose of countering its enemy; but the impolicy of that procedure was, afterwards, discussed and demonstrated, and the measure itself, in consequence, abandoned. At present, the distress of the country is great, and the Government will, no doubt, be mortified to find, that, of the vessels which have been lost, or goods destroyed, some part of the whole of British vessels and its destruction of British vessels, the port of this republic, and, like British ports, destined equally for these, and the ports of other countries. The measure has obviously excited a kind of ferment in their councils, but, I presume, will be directed against their enemies only. Be as it may, I do not give it in this direction, and will oppose those arguments which were used upon the former occasion. But, should they fail in producing the desired effect, and a less amicable policy be adopted, which, however, I think will not be the case, I shall deem it my duty immediately to advise you of it, by a vessel (in case such other offers) to be despatched for the purpose.

It will obviously attract your attention, that this measure was so timed by the British cabinet, that it might have no influence in the decision of the Senate upon the treaty of Mr. Jay; nor can the motive for such an accommodation be less doubtful; for, in case it be rejected, they will deem the stroke a lucky one, since thereby, they will either had a fortunate gain, and, if it is adopted, they will probably presume that so much time will be consumed in convening the Congress, should that measure be decreed expedient, that the course of events here may render it impossible for our efforts to produce a favorable effect, and which consideration, they will likewise make against us. This kind of calculation, however, is not only the pro-

ligacy, but the desperation of the Government, and will, probably, precipitate the crisis which, notwithstanding all its follies and enormities, might yet have been postponed for some time to come. I think the measure will give new vigor to the French councils, and will, probably, bring immediately upon its authors, Denmark and Sweden. Upon such an event, therefore; for, as I conceive it to be connected with the interests of those Emperor, and will, probably, be speedily made known. I have carefully avoided several conferences, that were sought of me by Baron Stael, from Sweden, soon after his arrival, because I knew nothing could result from them, and was fearful, as I presumed the result would be known to the committee, it might produce an ill effect there.

Your measures will, no doubt, be greatly influenced by the probability of the early termination or continuation of the war with this republic, and upon which some information will, of course, be expected from me. You will, however, perceive the disadvantage under which I must give any opinion upon that point, and estimate it accordingly:

for, as I am authorized to say nothing to this Government of what you will probably do, in case the war continues, (for the revulsion of the order of the 6th November could not be foreseen) you will of course conclude it impossible for me to sound it upon that topic. Indeed I was fearful that, by my communications upon a former occasion, slight effects could be produced, I was, therefore, as much concerned as you, heard of Mr. Jay's treaty, and until I had a conference with the committee on the subject. My judgment must, therefore, be formed upon general and external circumstances, and by which I perceive no prospect of an early accommodation of the war between France and England. On the contrary, the preparations on both sides seem to go on with more vigour, and the signs of activity for its continuance. The fleet of England is said to be raised to a height, beyond what it ever attained before, and efforts are still making to keep it there, if not to increase it; and France is exerting her almost endeavors to increase hers, and which are the more necessary, in consequence of the improved excursions of the last winter, by which it was greatly injured in the Atlantic as well as the Mediterranean seas. 'To expect, by a continuance of those endeavors, the Breast fleet will be ready to take the sea by the fall. The Mediterraneans one is said now to be at sea, and in good order. It is likewise expected that the Dutch fleet, at least to the amount stipulated, will be in readiness in time to co-operate with that from Breest; for great efforts were latterly made there in the cause of the French (Add to all this the very formidable authority that it is one) that the overtures made by Sir Frederic Eden were repulsed, and in a manner which immediately closed, under the powers possessed by the parties respectively, all further conference on the subject. In these circumstances, I am led to conclude that the war will continue from these Powers will be continued for some time to come, and, most probably, until some change, by battle, or otherwise, is wrought in the fortunes of one or both, so as to dispose them for peace.

If Denmark and Sweden, and especially if they are joined by Spain, on the side of France and Holland, they will, probably, be disposed to continue the war. In all events, this is the point in which which she is unexposed, it continued for any time, must not only exhaust her resources, but excite great discontent among the people. They have been alloyed, latterly, by the assurances of the minister that the people of France would be starved, and that the Government must, in consequence, accommodate, and which were coun-
tenanced by the movements which took place here some time after these assurances were given. But, when it is seen denied, and seen denied, and seen denied, and seen denied, and seen unexampled patience, are quiet, and in the possession of the fruits of a plentiful harvest, as proved by their calm case, it is doubtful whether a change will not soon take place in the temper of those on the other side of the channel.

What part it becomes our country to take at this crisis, belongs not to me to say. Peace is a blessing which ought not to be wantonly thrown away. But, whether sufficient sacrifices have not been already made to preserve it, and the time arrived when the duty we owe to ourselves, and the respect which is due to the opinions of the world, admonish us that the insults and injuries of Britain are to be no longer borne, and that we ought to seek redress by a direct appeal to arms, or by an appeal to a cause upon the event of war, is a point, which will, no doubt, be wisely decided by those who have a right to decide it. Permit me, however, to add, that in case any active measure is taken, or likely to be taken, in consequence of these aggressions, that you will immediately apprise me of it, that I may, without delay, begin to make a correspondent impression upon the councils of the Government.

I omitted in my last to transmit to you a copy of the letter from Mr. Short, which I mentioned was shown to Mr. Pinckney; and which, as it demonstrates how completely we may command success in our demands upon Spain, provided France aids us in that respect, ought not to be withheld, and especially in the present state of our affairs, and the communication which I have received; and I think it not unworthy of importance for you to possess, it will reflect honor on Mr. Short, upon account of the able and comprehensive view he has taken of the subject.

I beg to inform you that the committee of eleven have at length reported a plan of government, of which I herewith enclose you a copy. The discussion upon the merits will commence in a few days, and as soon as the question is finally decided, I will transmit to you the result.

Mr. Short to Mr. Monroe.

ARANUZ, May 4, 1795.

DEAR SIR,

I have waited for your answer to my late letters, and particularly that of the 11th of April, before writing to you again, if it had not been for the particular circumstance which makes the subject of this. I have already mentioned to you the desire of this Government to open the way to a pacification with the French commonwealth, and the dispositions on the part of the French to enter into negotiation, although perhaps an unofficial one, was on foot. I am contented in that opinion, and you may consider as well, whether you have not an opportunity of sending me a letter, which you have not yet sent me, which you may have in your hands, which you may write to Mr. Pinckney, to whom you sent me a letter enclosed in yours of the 6th of February last, and the person by whom those letters were written. I have good reason to believe that this business has met with some kind of delay as to the articles that you have written, at least that the persons who are expected to come should be able to come to a decision. You will readily conceive, from the situation of this country in respect to England, that they would be afraid to enter openly on negotiation, without being previously sure of its success, lest they should find themselves between two fires. The apprehension of England has certainly restrained them lately, and not any aversion to peace with the French commonwealth, which, on the contrary, they desire most sincerely and arduously.

Under these circumstances, the friendly interference of the United States has been wished for by this Government. I have already explained to you the difficulties which presented themselves to me, from the points in litigation between this country and the French, and the circumstances of Mr. Pinckney's appointment for that purpose rendering it necessary that they should be delayed for his arrival, and that they arrived here.

I have the fullest assurances from this Government, that all matters shall be settled to the satisfaction of the United States and although present circumstances ensure whatever the United States may now desire here, yet, under my circumstances, I should have chosen not taking an active interference until I should have conferred with Mr. Pinckney, and he with this Government. For a long time I had no doubt Mr. Pinckney would have been here ere this. I suppose he must be, at present, somewhere in France, on his way hither; but I have received no letter from him since that of the 6th of March. Things would have probably gone on in this way until his arrival, viz., this Government contenting themselves with the correspondents on foot between the two persons mentioned above, and perhaps also between the Generals of the two armies, if nothing had occurred to make them more anxious to accelerate the business; but this has taken place in consequence of the treaty concluded between the French commonwealth and the Kingdom of Prussia.

The Duke de la Alcudia has now mentioned to me his desire that no further time should be lost, and that an active negotiation should be immediately opened; declaring to me confidentially, and authorizing me to mention to you, his real and sincere wish to conclude immediately a treaty with the French commonwealth; desiring, however, that it should be done in such a manner that there should be no suspicion of the state of the vessels until the conclusion and ratification of the treaty. He has, therefore, requested me to communicate this to the minister of the United States at Paris, and to add his desire to receive here, for the purpose of concluding the treaty, the person who shall be chosen and remain here, in a secret way, until the business should be concluded and ratified. The desire of France, as you know, that this treaty should be kept secret from the apprehension of England. This he wishes you to propose to the French Government, if you find it will be acceptable to them. This is the nature of his request to me, and which I have not thought it proper, for several reasons, to decline. Several of these reasons will naturally occur to yourselves.

Having thus stated the request of the Duke in the simplest form, it is for you to decide thereon what you may think advisable to do and in which you will, of course, be guided by what you conceive to be for the interest of the United States, and conformable to the wishes of the Government where you reside, whose interests are co-extensive with those of the United States.

It may not be improper to subjoin here some incidental remarks which took place between the minister here and myself, on the above occasion. In stating to me his wish that this business should be concluded as soon as possible, he said that he had a personal interest in the conclusion of a treaty between the two countries, and could not withdraw his wish this treaty to be grounded; but that he had no such personal interest, and that it would be impossible for him to send one, without its being found out here or at Paris, by England. On my mentioning the probability of the same discovery being made, if the French Government should send a person here, he said there would be much less difficulty, if that person was charged not to discover himself, or to pass for an American; and that the communications between himself and the minister here might pass through my hands, so as to remove all suspicion of his being a person charged with a negotiation.

It is proper to communicate this desire of the Duke de la Alcudia to the French Governments, you will observe that nothing in writing has passed between us, and that his request to me is made only verbally. Although I have not the smallest doubt myself, of the full and unequivocal sincerity with which he has thus expressed himself to me, yet I would not choose to induce the French Government to adopt the measure proposed, without, at the same time, assuring them that the grounds of my assurance are not only such as to render it more than probable, but sufficient to render it certain, and that it would be impossibly for me to enter into negotiation for peace, and should choose to have some written ground, I suppose it probable that the minister would not refuse to communicate to me in confidence, in writing, his desire above mentioned; if he should, I believe, the more readily comply with. The Duke has not denied it is possible to conclude the business in this manner, and, indeed, the ground of all the communication which has taken place between the two countries is, the proposed negotiation between France and the United States, and the apprehension that it may be found out by England.

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the peace to be settled with the republic; but I did not choose to press on this head, because it did not seem to be the proper time to ask for particular things, and also because, as he knows my attachment to France, in common with that of every other friend, he would not be willing that my request should be absolutely necessary. From our conversation, however, as well on this, as on preceding occasions, I find his desire would be to avoid, if possible, contracting any article which might force this country into an immediate war with England. He is determined to risk that event, however, if the simple deviation from the convention of May 25, 1793, and the terms, should not, he will not like to lose the other. He says, however, that Spain's making a separate peace would not induce England to declare war against her under present circumstances. He would desire, therefore, to conclude a peace as simple as possible. He would choose to avoid guarantying to France the island of Corsica, and such parts of the East Indies as he can; he is quite satisfied with the present state of the country, and does not wish the incurring of an immediate war with England. But the desire of this country is that France should reconquer those places, as it is the real interest of Spain that they should belong to France rather than to England. I mention these things merely as the first desire of the minister; how far he might be induced to any other deviation from the terms which the French republic will accept in the course of the negotiation, if it should be opened. The greatest difficulty will be as to the parts of Spain conquered by France; and I apprehend, as I have mentioned above, that some difficulty has already shown itself as probable, as to the place of Figueras. It is the business of negotiation, of course, to remove difficulties and make these more simple before sending an agent here, and I will inform you how far they wish previously to be made acquainted with the outlines of the sentiments of this court, it is probable the minister would communicate them. At the same time, he would probably expect an equal mark of confidence, through you at a distance, of resolutions, on the same head, of the French Government.

This letter will be forwarded by the minister, through the frontiers, by a flag; you will therefore soon receive it. I will thank you immediately to acknowledge the receipt thereof, and to let me know, as soon as possible, whether you have judged it proper to take any step in consequence thereof, and what shall have been the result thereof. Send your letters on this subject, by the same way by which you sent that of the 8th of February, the last I have received from you. I have as yet no answer from the President, as to the absence from hence which I have asked. I hope, ere long, to have the pleasure of renewing to you, in person, the assurances of my being sincerely your friend and servant.

Mr. Monroe to Mr. Short.

PARIS, May 30, 1795.

I was favored, about ten days past, with yours of the 14th instant, and should have answered it immediately, had I not previously done so by anticipation, in some measure, in one of the same date through the armies, or had I not waited for the arrival of Mr. Pinckney, who was then on his way from Dunkirk for this place. By him this will be forwarded, also the two letters; and he will at the same time communicate the circumstances of the negotiation. I therefore, permit me to assure you, that this Government will admit of no intermediate or third parties in its negotiations, but will only treat with its enemies themselves, or directly. The only Power whose good offices they ever thought of accepting was the United States; but the negotiation of Mr. Jay with England has, by its manner, and particular recommendations, produced such a result, inspired with such friendship by the sentiments of all who are disposed not even to accept of ours. This is a fact of importance which I did not choose to hazard through the route of the Spanish Government, it might lessen our weight in our negotiation with that court; for I always knew that an opinion of a good understanding between us and this Government would greatly strengthen our position. You understand; and yet, I shall be happy, as far as I can, to do you any service in that particular.

I have heard that Mr. Jay has stipulated something in his treaty respecting the Mississippi; whereby, upon the inevitable necessity of a guarantee to us, an extension of territory is substantially given to Britain, and she, in consequence, admitted to the Mississippi. The fact of a guarantee by Britain to us is the most extraordinary thing I ever heard of in my life, and yet it affects the treaty of France towards her, though ready to yield the point to us; but the extension of her territory so as to comprehend the source of that river, and thereby entitle her to its navigation, will produce a more serious and alarming effect. I think it will tend greatly to separate Spain from England, and to force the former into a more intimate connexion with France and the United States, the first step towards which is an accommodation to their present demands.

Another circumstance which will facilitate this object is, that England, through Sir F. Eden, has absolutely and very lately, attempted, upon the pretext of an exchange of prisoners, to open a negotiation for peace with this republic. I do not say that Spain knows nothing of this, but I am assured, by authority in which I confide, that it is the truth. He was of opinions which would not necessitate the same terms were sent to the committee, and an answer received, peremptorily rejecting them. If true, I presume the fact will be made known to Spain, so that the latter Power ought to reject all delicacy towards the former in its transactions with it.

The minister tells me that the Spanish negotiate for the necessity of demand, if possible, in our negotiation with Spain. Suppose he peace made with this republic; she is, of course, relieved from the pressure which disposes her to accommodate us. Shall we not afterwards stand of course nearly on the same ground that we stood in that negotiation, from the epoch of the one which was conducted by Mr. Jay with Mr. Gardoqui, which had well nigh ended (though not absolutely an agreement to render it ineffectual). He latter having inside, the river, and dismemberment of the continent; which negotiation has certainly deluded the Spanish Government, from that time to the present day, into an opinion that half America wish it shan't; at least, to me (who was in the Congress during the pendency of that negotiation, and who have since seen your correspondence) such appeared to be the case.

The above are hints upon the real state of things here, upon which Mr. Pinckney and yourself will take your measures. If I could satisfy this Government that Mr. Jay's treaty contained nothing of which they have a right to complain, every thing would be easy here we might forward the views of the two continents; but their hands inside, which, in respect to this, I ardently wish to forward, making previously those of our own secure. But can any motive of interest, on the part of France, induce her to accept such offers from us, until she shall receive such satisfaction as shall induce her to make any return? I think not, and therefore, should be always happy to hear from you in these respects.

I enclose you a letter from a friend of yours in this country, being assured it contains nothing of a treasonable nature, no intelligence of the march of armies, or preparations against Spain, which it is the interest of this Government to keep secret.
Mr. Monroe to the Secretary of State.

PARIS, July 6, 1819.

Sir:—About three or four weeks past, one of our vessels, which touched at Havre from England, was taken in charge by the Government, and the captain and passengers confined, upon a suspicion they had brought false passports with them, with a view of circumventing the commercial regulations, through the vigor of its existing laws. Complete search was made upon the vessel, but no passports were found. As I knew that the suspicion which was entertained ought not to be extended to three young men who were passengers, I immediately applied to the Government for their release, and have since, by the intervention of our minister, of whom I am sure you are aware, been informed by the municipal government at Havre that they have been released.

I may add that this violent and unfriendly proceeding, though it is not without precedent, has yet given me matter for serious reflection. It would have been better for the French government, instead of being actuated by a desire to diminish the importations of American vessels, to have shown a more liberal spirit in regard to the fair, and, as I am declared to be, the honest purposes of foreign commerce. However, I have to acknowledge the activity and liberality of the minister of foreign relations, Mr. Talleyrand, who has been the chief instrument in this transaction; and I am happy to say, that the principal patriotic interest of France will be interested, in not allowing this appearance of the spirit of injustice to remain.
as an act of barbarity, excelled only by those which were formerly perpetrated in the same neighborhood by the in "capricious Carrières.

It is believed that a treaty has taken place between England and Russia, in which the former has stipulated not to take the side of Poland against the latter; in consideration whereof, Russia is to furnish England a certain number of ships during the residue of the war. It is likewise believed that England has announced to Spain that, in case the latter makes peace with France, she will commence immediate hostilities upon her. This may possibly keep Spain in a state of suspense some time longer. On the other hand, it is obvious that the connexion between France and Russia is strengthened, whilst Austria, paralyzed by the peace and movements of Prussia, which threaten an entire change in the Germanic system, and such an arrangement of its parts as will give an entire preponderance to Prussia, scarcely knows what part to take; whether to make peace or continue the war. It is the interest of Prussia that Austria should continue the war; for the pressure of France upon that monarchy is the only barrier to the views of Prussia, by throwing the members of the Empire into her arms, with a view of securing their peace with France, through the intercession of Prussia.

In conversation a few days past with Baron Stael, ambassador from Sweden, he informed me of a communication forwarded by the court of Sweden to Mr. Pinckney at London, for our Government, and upon which no answer was given, although it was much wished.

I desired his communication in writing, that I might forward it to you, and which was accordingly given, and is hereewith transmitted. I have no doubt that whatever he says to me is known to the committee, as I was informed by some of the members in the beginning of the winter, and before the Baron arrived, that such an application had been made to us from that quarter. It belongs to me only to forward this paper, and which I do, not doubting that I shall be instructed relative thereto, in the most suitable manner.

Colonel Humphreys has just arrived, and, upon due consideration, I presented last night a paper to the committee, opening, as far as was expedient, the extent of his visit and upon which subject generally I shall be more full in my next, when I hope to be possessed of an answer.

The Secretary of State of the United States to Mr. Monroe.

Philadelphia, July 31, 1795.

Sir: By a past opportunity, I did myself the honor of sending to you a printed copy of the proposed treaty between the United States and Great Britain; with it was bound up a copy of the act of our Senate. The want of precedent for such a mode of ratification; the doubts, whether they meant to sit in judgment again upon the article to be added; whether the President can ratify without re-submitting the new article to them; whether he can ratify before himself inspects the new article, after it shall have been assented to by the British King; and what effect the suspension of the 14th article will have upon all those subsequent to the 10th, create difficulties and delays, even independent of the "real merits" of the treaty. The newspapers which have been forwarded to you, will show the unpopularity of the treaty at Boston and New York. I am, etc. &c.

EDM. RANDOLPH.

The Secretary of State of the United States to Mr. Monroe.

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EDM. RANDOLPH, Secretary of State.

Mr. Monroe to the Secretary of State.

Paris, August 1st, 1795.

Sir: I was sorry to find, some days after my last, that the disquietude which I intimated existed in the councils of this republic, and which was occasioned by the disputes between its ports and commerce and those of England and had given birth, assumed a form still more unpleasant in regard to us, than I then apprehended it would do: for, whilst the subject was under discussion between the commissary and myself, and, as I thought, approaching towards a close, the committee interposed, and taking the business out of his hands, addressed me on the same subject, and to the same effect, laying at the same time the draught of a decree before the Convention, the principal object of which was to proclaim all those, who were not born within the jurisdiction of the neutral Powers, from the protection of the ministers of those Powers here. The decree, you will observe, was made general, as well as the letter which preceded it from the committee. I had, however, seen too much of the business not to know that, in regard to others, it was formal only, whilst it was, in reality, pointed against a particular description of our own citizens, and of Englishmen, who, by means of American passports obtained elsewhere, and, no doubt, by fraud, sometimes passed for such.
As I presumed it was not the intention of the committee or Convention, that the decree should be construed and executed strictly, because my knowledge of foreign principles could not be supposed, and because I likewise knew that many of those who it would thereby comprehend, were resident and valuable members of our community, and had been, and now were, by their commerce, useful to France. I demanded immediately an explanation from the committee, of the decree, and soon afterwards obtained an interview with that body; in which I was explicitly assured that it did not mean that call in question any principle insisted on by us; that their only wish was to exclude Englishmen; and that, in regard to myself, they meant to impose on me no restraint, in granting passports, I had not already observed. Thus, this business has happily terminated precisely where it ought to do, without producing any real change here, or rather effect any where which can be hurtful to France, or the cause you have for aid of this Government will be given in support of our negotiation with Algiers, &c. Upon this you may, I think, count with certainty, as I have been assured of it by the committee, and am furnished with all the light which their past negotiations with that regency enable them to give us on that subject. Difficulties of a different sort, and peril, are alluded to, and already foreseen.

The firmness insisted for this business, I understand, in England, and the English intercourse law prohibits, as I hear, and under the penalty of death, the payment of draughts from this country, in favor of any person in France, or who has been in France since the commencement of the war between the two nations. Perhaps this law may not be declared null, for we can conceive, perhaps, the immediate necessity of so doing; or the wish to prevent the failure of the treaty on that account. Colonel Humphreys is still here upon this business; and, as we devote our unremitted attention to it, you may be assured that no measure necessary to its success will be omitted that we are capable of.

As I am informed, the emigrant army, which lately landed in the bay of Quiberon, under the auspices of Great Britain, has been completely defeated, and its whole force, amounting to about ten thousand men, either slain or taken prisoners; of which about four thousand were slain. Many of those who composed that army, are said to have been raised by force, and were of course immediately set at liberty.

By the law, all the others are doomed to suffer capital punishments; but it is to be hoped, as many of them are weak and misguided men, its rigour will be moderated, at least in regard to them.

Within a few days past, also, a peace was concluded with Spain whereby the whole of the island of St. Domingo is ceded to France, the latter making her conquests made in that island since the war. That there are some secret articles is more probable. I herewith send you a copy of the treaty, as likewise of the details which attended the defeat and destruction of the emigrant army, according to the report thereof rendered by Tallien, who was in mission with the republican arm in that affair. Your claims have not been provided for in this treaty with Spain; relative to which claims I have heard nothing since mine to you of the 14th of June last. "Tis possible I may soon hear something on that subject, either from this Government or from Mr. Pinckney; in which case I will immediately advise you of it. It is likewise possible, and so not improbable, that the terms of friendship proposed by that Government, in case it will, no doubt, be the wish of the former to involve us it in her side. But this I hope will not take effect; because, under existing circumstances, it would not only produce many unhappy consequences, but because I am of opinion, if Mr. P. finds difficulties, that the object may be attempted a second time. Pardon my interruption, as so far as I am enabled to show that Mr. P. had at last stated nothing injurious to this republic. Doubtless France will now have great weight in the councils of Spain; and, most certainly, if we continue in friendship with France, and of which there can be no doubt, it will be possible to avail ourselves of it in support of our claims there.

Those two events, it is certain, will produce the most important consequences, as well in securing tranquility at home, as in putting off all remaining hope of success, on the part of the Powers still at war with this republic. Indeed the probability is that peace will soon be made with the Italian Powers, and even with Austria. But with England, so peculiar is the relation between the two countries, that it is impossible to say when peace will take place, or in what manner it will be concluded. It is the nature of this project to provide certain terms upon that point. An agreement, however, with all the other Powers, may possibly induce an accommodation between these sooner than present circumstances authorize the expectation of.

As to the time of the debarkation of the emigrant army, some symptoms were seen here which gave cause for suspicion that there was a party in Paris which wish, at least, to debark them. It is very probable that such a party exist. The Convention is still employed upon the subject of the constitution, which will probably be gone through in the course of two weeks more. As soon as it is adopted, and of which there can be no doubt, and upon the principles generally proposed in the project reported by the commission, I will forward you a copy.

Mr. Monroe to the Secretary of State.

Paris, August 17th, 1796.

Sir: I have not been honored with any communication from you since that of the 2d May last, though, doubtless, others are on their way, and which I shall soon receive.

A few days since, Philadelphia papers were received as late as the 3d of July, containing Mr. Jay's treaty, together with such proceedings of the Senate upon it as were then published. As these gazettes are circulating everywhere, I conclude some of them are in possession of the committee of public safety, and that the contents of the papers which you allude to above were published in Havre. Of late I have heard nothing from the committee upon this subject, nor do I expect to hear anything from that body upon it, let the impression be what it may, otherwise than in reply to such communication as I may make thereon, and respecting which, it may be given to them, if I be induced to address myself to them upon the subject in question, as is, or will be, adopted in regard to it, and upon which, in its relation to the other members of the convention, I presume to be some time at Havre. In this I presume the conduct of the Convention will be particularly marked out, so I deem it my indispensable duty to avoid the interm in any, the slightest, compromitement either of you or myself upon that subject. I mention this because I think it possible that the Convention may have given to you the completely the final result of this business, so far as it depends on me, and it is indeed ought to be, under your control.

As I have had no communication with this Government upon the subject of this treaty since its contents were known, it is of course impolite for me to say what the impression it has made is. It is as easy for you, with the
lights you have, to form a correct opinion upon that point in Philadelphia, as for me to do it here. One circumstance, however, I think proper to bring to your view. So soon after the British Government had recommenced the seizure of our vessels destined for the ports of France, it was notified to the convention by a secret representa-
tion, who had just returned from England, that he had been advised there, through a channel to be relied on, that the British administration had said they knew that measure would not be offensive to our Government; or, in other words, that it would not disturb the harmony of the two Governments, in consideration with contempt, and of course to hear that it was considered nearly in the same light by the committee itself.

But since the arrival of the treaty, I have understood that, in connexion with that report, the attention of many has been drawn with some degree of solicitude to the contents of the second paragraph of the 18th article, and who say that, as that article leaves the law of nations unsettled, and provides payment for seizures in cash, the said paragraph appears to be a very serious matter, and of course for those which are not contraband, whereas the complaints of our citizens are prevented, and of course by the British construction by implication countenanced, this republic has a right to complain of it. I mention this objection to you that you may be aware of it in case it should ever be brought forward on this or your side of the waters and that it will be brought forward, I think probably because such seizures are not noticed in the local papers; it is painful for me to give you a detail of this kind; but, being an interesting fact, I do not see with what propriety it can be withheld.

It is true, that the constitution will be completed in the course of a few days, and of which I will immediately afterwards forward you a copy. The discussion upon this very important subject has been conducted with great temper, and the harmony of opinion throughout greater than could have been expected.

The report of Pichon having crossed the Rhine, as heretofore intimated, was without foundation. The height of the waters, occasioned by continual rains, has hitherto prevented it. It is, however, said, that he has orders to cross it, and is now making the necessary movements for that purpose. The enemy are on the opposite side, watchful of his measures; but, from his skill, the strength and enterprise of his army, success is counted on as certain.

No indication presents itself of an approaching peace between France and England, or even of a negotiation for it. The Convention, and you likewise, know that the moment when that anxiety ceases, and especially if anything of a pecuniary nature is expected, the negotiation will commence, if it is not already in progress, and at the same time the opportunity of taking advantage of the French situation with contempt, in order to have the treaty signed, will be lost forever; for we have now a power in the hands of the people which, if not seized, will be lost. The funds of England, and the national character, are in the hands of the people.

If, however, I may be permitted to say so, the negotiation is not to be expected; for, as I presume the overture will come from England, so it is equally probable that none will be made from hence. The British administration is disposed to adhere to the terms of France. I presume, are fully upon that head, and immediately after the decision was taken, I cannot otherwise account why your letters have not reached me.

I sincerely wish to hear from you as soon as possible upon that subject; because, if, in the further pursuit of our claims upon England, it is found that the right is not possessed, or is possessible under the laws of nations; it is obvious, from a variety of considerations, that the sooner an attempt is made to adjust the mode whereby such aid is to be rendered, the better the prospect of success will be. You know that France viewed with anxiety the late negotiation with that Power, and waited the result without unpleasant apprehensions of the consequences. And you likewise know that the moment when that anxiety ceases, and especially if anything mingled in the cause producing the change, which argues an attachment for France, is the moment to make a suitable impression on their councils. Offences incidents of this kind in private life increase the friendship and cement the Union; but, if, in the course of a treaty, with nations who are not our friends, the Union is in the hands of the people. But the moment must be seized, otherwise the prospects diminish, and every day becomes more remote: for when a coolness, which has once taken place, is suffered to remain for any length of time, after the cause which gave birth to it ceases, that circumstance becomes a new motive for chagrin, and which, especially if afterwards increased by mutual visits, often ends in mutiny. In addition to which it may be observed that, if such aid is wished from France, the state of the war is such as to require, on our part, dispatch for it is always presumable, when its substantial objects are secured on the one side, and the hope of gain, in a great measure, abandoned on the other, as a fact not very distant. I am still of opinion that, if a timely and suitable attempt be made to engage the aid of this Government in support of our claims upon England, it may be accomplished, and upon fair and honorable terms. But, under existing circumstances, peculiar and extraordinary care becomes necessary in the arrangement to be adopted; otherwise the attempt will be in vain, and possess the confidence of this Government, or it will not support it: for no Government will support a negotiation it suspects will terminate in a treaty injurious to itself. For this purpose, then, the person to whom we commit the trust should possess the confidence of this Government, and, in my opinion, the negotiation should be carried on at the place where the French negotiation is carried on, either at Berlin, or at a place not distant from Paris, under the superintendence of a person who has, or not long since at Dieppe for an exchange of prisoners as it was said. On the contrary, suppose any person was sent directly to England on this business, what would be its effect here? It is admitted that such a person would be much more powerful than by having the right to act under the name of a representative, or a signification; but the manner would be deemed inharmonious, and would, of course, be considered as declining all claims upon this Government for its support. England would know this, and profit by it. Indeed, no co-operation, under such circumstances, would be presumed. What can be the objections to such an arrangement? I can see none. If we were at war with England none would be urged by any one: for such was the case when we were at war with her. If then, remaining at peace, another country is willing to give us the fortune of its arms, in support of our claims against a common enemy, ought we to decline an arrangement which would be adopted in war, especially with the two countries, that our armies will soon be engaged in, unabated by any effort of our own? Would it excite disgust in England? On the contrary it would command her respect, without compulsion we know we shall not gain from her what we are entitled to; and if this compulsion is to be procured from France, will it not be more efficacious when she sees that our harmony with France is complete, and broken relations with England? What is it we wish by harboring this Government, from any kind of negotiation we can set on foot, without any effort of our own; and if any such effort is to be made, of what kind must it be? To this I can give no answer, other than by referring you to your former letters on that head: for latterly I have had no communication with this Government on it. If it can be done, the above is the way to do it; but, to secure success, by engaging this Government with full zeal in our behalf, and striking terror into England, it will be necessary to lay hold of her property within the United States, take the posts, and even invade Canada. This would not only secure to us completely our claims upon Britain, and especially if we likewise cut her trade by land as well as by sea, but, by making a decisive and powerful diversion in favor of France, promote, and very essentially, a general peace.
The state of the war is the same as when I wrote you last. Pickering is still on this side of the Rhine, and the pressure upon Italy is less forcible since than it was before the peace with Spain; a circumstance which gives cause to suspect that negotiations, promising a favorable issue, are depending with the Powers in that quarter. A similar consideration may likewise have induced the Imperial Council at Vienna to proceed with caution in their discussions on the points of German politics. The Emperor himself, as well as several of his members separately, are negotiating for peace with this republic; of which latter fact we have lately seen an example in a treaty with the prince of Hesse-Cassel: whereby six thousand of his troops, in English pay, are withdrawn from the army of the Emperor.

The attempt which was hereby made, not simply to amend, but absolutely to set aside the former constitution, and introduce a new one in its stead, differing, too, from the former, in many of its great outlines, and especially in the character of its legislative and executive branches, under the circumstances which existed when it was commenced, being at the moment when the trial of Barrere and his associates was depending, and Paris afflicted by famine, was an enterprise, you will admit, of great moment. So far as it was a dangerous one it proves that such danger was encountered from more than one quarter, and that it is necessary to take care of this point, if we wish to avoid a recurrence of such ill effects.

The primary assemblies were convened to deliberate on it five days, and this is the fifth; and in those quarters from which I expect a ready reply, it appears that this measure, to a great majority, is as disagreeable as to a great majority. It was, likewise, submitted to the armies, and by whom it is said to be adopted almost unanimously.

If, in the prospect, therefore, in this respect, before this republic, one circumstance only presents itself which darkens, in any degree, the political horizon. In putting the new constitution in motion, the Convention wished to transfer from its own body two-thirds of its members to the legislative branches of the new Government, and for which a decree was passed. A motive for this was the advantage the republic would gain from keeping in office many of those in whose hands depending negotiations were, and who, in other respects, are acquainted with the actual state of things. There may be, and doubtless are, other motives for this measure, and which will really occur.

This arrangement, however, is disliked by many, and, particularly, by the inhabitants of this city, by whom it is generally rejected. The presumption is, that a great majority of France will approve the decree, and in which case Paris will yield; but, should the majority prove to be in the other scale, the presumption is equally strong that they would yield from fear, and as they would be unwilling, or unable, to attempt a resistance. Many, however, are of a different opinion, and count upon the division that exists upon this point, as the commencement of a counter-revolution. It is well known that the royalists are active, and using their utmost efforts to improve it in their favor; and it is also believed that England, and some other of the coalesced Powers, view with the most scrupulous jealousy the possible example which it may set for the royalists and those Powers to carry out every circumstance which turns up when the time is ripe to rest a hope in general, however, their calculations upon the fortune of the Revolution have not been verified by events, and I shall be deceived if this is not the case in the present instance. Indeed, as events are generally ready to yield to a new movement, is in this respect, from the point of the other Powers, nearly without impeaching her attachment to republican government. All the atrocities, which have stained the different stages of the Revolution, have been perpetrated here; under every convolution and change some of her citizens have suffered; and, with the preponderating party in the Convention, she is not popular as a department; so it is natural she would wish to exclude from theLegislature of the new Government all the members who compose the present Convention.

P.S. Respecting Algiers I will write you in my next.

Since writing the above, it is announced that Jouron, who commands the army of the Sambre and Meuse, has crossed the Rhine at the head of about fifty thousand men, and in the face of about forty thousand, well posted and strongly fortified, on the opposite shore. It is also said that he attacked and took by storm, immediately afterward, the city and castle of Dusseldorf. Dusseldorf is an important post for this bold exploit, and which is deemed, under the circumstances attending it, among the most brilliant of the war.

Mr. Monroe to the Secretary of State.

SIR:

I herewith enclose you extracts from several letters from Mr. Cathalan, our consul at Marseilles, and by which it appears that the news of the defeat of the English, at Trafalgar, is confirmed. The English have likewise, it is understood, taken Bariere, the committee of public safety, who is charged with the American affairs, and by whom I am informed that like intelligence is received from their consul at Algiers; so that the verity of this report cannot be doubted. By these extracts, as by the communications of the consuls to the committee, as I am advised, it is to be inferred, that the movements of Mr. de Ruyter and his associate have been victorious in their object, that the aid of this republic was not extended to us in that negotiation. From what cause this proceeded, if such is the fact, I cannot at present determine; but presume it will be fully explained to you by Colonel Humphreys, from Lisbon; where he doubtless is before this, having left Paris, on his return there, three weeks since. It is, however, necessary for me to state to you what took place here in that respect, as to the cause of Colonel Humphreys' arrival, prior to the receipt of the above intelligence; as likewise what has been since done in consequence of that intelligence.

I was informed by Colonel Humphreys, upon your request, that you wished to obtain the aid of this Government in support of our communications with the Barbery Power; for which purpose, indeed, he had come, and that you wished me to ask for it, in case I thought it attainable. From particular considerations, and which will occur to you, I felt some embarrassment in making an application for aid of any kind at the present juncture; but as I was persuaded you had weighed them, and deemed them no obstacle, and knew the object was equally pressed by interests of the United States, and by the public, which is the reason I thought it proper to make this application to you, the idea being that it was not the aid of funds that we wanted, but simply the aid of amicable mediation and interference of this Government, and which was promised by our treaty of alliance, but never performed. Colonel Humphreys and myself are of opinion, that, as credit for the service was to be a principal motive, on the part of France, for embarking in it, it would be expedient on our part to make our arrangements such, as to give full force to that motive; since thereby we should engage in it with greater zeal, and, in consequence, with proportionably greater effect. It occurred to me, that the more direct our measures were, from this quarter, and the more united and harmonious our councils were, in respect to those which I suppose was to be done by this Government, and of which proceeding and that of France, and of course, the better our prospect of success. Besides, to give full effect to the influence of France in the councils of the Dey, and thereby obtain a peace at the cheapest rate, it appeared advisable that our agents should be clothed with a French passport, and if possible a French citizen, and even appear to be an agent of the French government. From motives of humanity, and chiefly from motives of humanity, in regard to our prisoners, whereby we should avoid inculcating any weight of our part (for wealth and impecuniosity are with them strong temptations for war) and which would be unnecessary for us, and to the great damage of our friends, I left the mode or manner of the negotiation open for subsequent and less formal discussion; seeking, in this step, only to give to the first point of aid, and which I was explicitly promised by the committee and the commission. I soon found, however, on touching on the other part, the execution, that our anticipation was correct, and that it was expected our agents would depart hence by the route of Marseilles, shunning the countries with which this
republic was at war at which place the Government would have a verbal provision for him to proceed to Algiers. In the course of the object, I was furnished by the commissary with a list of such presents as would be suitable to Algiers, &c., a literal copy of what they had last presented themselves, with a specification of what suited the Dry and his ministers in particular, and which presents, as introductory, he advised us to commit to the agent, to be presented in the commencement, accord to the nature of the place, and as their counsel should advise.

Mr. Monroe to the Secretary of State.

The breach which I lately intimated to you had taken place between several of the sections of this city and the Convention, respecting two decrees of the 5th and 13th Fructidor, and whose object was to transfer from the Convention so many of its members as would constitute two-thirds of the legislature of the new government, continued daily to widen, and at length all hope of amicable compromise was gone. A final appeal, therefore, was made to arms, and which took place on the 5th instant (13th Vendémiaire) and in which the Convention prevailed. The details of this contest, though very interesting, are not lengthy. In the morning of the 5th, a force was marshalled out by the revolting sections upon their respective parades, in concert, and under officers engaged the hall, prepared to await the issue of the day. The disposition, therefore, was that of besiegers against besieged, and when no further hope was left, or no offer of a parley for, on that of the Convention, taking the whole together, there were not more than six thousand; whilst on the side of the insurgents a number inconsiderable comparing with the numbers to be opposed, and a still greater body in arms, which was supposed to be on the same side, or at least neutral. The countenance, too, of the parties, bespoke a strong sympathy with their respective situation; that of those without, exhibited an air of cheerfulness and alacrity, and which nothing but the confidence of success could inspire, whilst that of those within was depressed and melancholy. The action commenced a little after five in the evening by the advance of the troops of the sections, and ended about ten by their retreat. Wherever they approached, they were repulsed by heavy charges of artillery and musketry, which ranged and cleared the streets of their columns as soon as possible, and which could not be driven from the windows of the neighboring houses; from whence, perhaps, more of the troops were slain than from any other quarter. The loss on either side is unknown, and perhaps will continue so; and the reports are so various and contradictory, that the greatest abundance of information is required on the disposition of the troops who were presented at the corners of streets, or when advancing by the head of the column only, and by the time and nature of the action, which was by intervals, I cannot think that more than five hundred were killed and wounded on both sides, though some of the reports make it as many thousands. It was generally understood by the assailants, that little or no opposition would be made, and that two of the principal regiments, that of particular, were on their side, and that they would so declare themselves when the crisis approached. But in this they were mistaken: for all those troops beheld with great bravery and intrepidity, acquiring themselves as they had done before on the Rhine, having been drawn from the army of the North. Indeed, the probability is, the report
was only circulated to inspire the troops of the sections with confidence, and to produce a suitable impression on the citizens of Paris in general. Many circumstances occurred, in the course of the commotion, to countenance this idea; and it was not without great difficulty that M. Carnot, who was sent as a messenger from the Convention to the corps of the National Guard, could persuade it either to proceed to the Tuileries, or to return to its quarters, which it had abandoned, or feebly supported after the first onset, and repulse, which immediately followed; and after which, it was sustained principally by those who were really and truly the parties to it: for as such, the great bulk of those who were in the ranks ought not to be considered. This opinion is likewise countenanced by a train of incidents which developed itself as the movement proceeded, and which consequently depended on it.

The troops of the Convention kept their ground all night, being unwilling to press as far as they might have done the advantage gained, since it appeared that, by such pressure, they might fray more of their countrymen, but not gain the point. On the 17th of September, the decree was not issued, but the troops were not withdrawn; and it was then doubted whether they would have been permitted to remain at the Tuileries, if the London Express had not seen the fact, at 4 o'clock in the morning. The difficulty was increased by the darkness of the night or other circumstances favored, till finally none were left, except those who were not properly of that description. By the morn every thing was tranquil as if nothing had passed. At the entrance of every street you saw the pavements taken up, and wagons and other impediments obstructing the passage; but not a single person in the streets. The only thing that was remnant was the state of being, and the memory of Lepelletier, consisting of a few hundred only, and which had in part retired, and was returning to its commune as a place of retreat, rather than of defence. But now the scene began to change, and exhibit to you precisely the reverse of what was seen the day before—the besieged becoming the besiegers: for by this time the troops of the Convention have completely surrounded the commune of the Tuileries, and the department of the Marais, formerly on the great epoch of the 9th Thermidor, and of Berry, who made regular approaches, and by different routes, till finally this corps was completely surrounded. A peremptory summons was then sent to it to surrender, and the march of the army of the commune was continued. Thus it was this movement crushed, the authority of the Convention vindicated, and Paris restored to complete tranquility, and within less than twenty-four hours after the action commenced.

Such was the order, and such the issue of this contest—a contest, in many respects, the most interesting and critical that I have yet witnessed, and which promised, had the assailants succeeded, not perhaps essentially to impede or vary the direct course of the Revolution, but, most probably, to involve the nation in a civil war, open a new scene of carnage more frightful than any yet seen, and deluge the country by kindred arms with kindred blood. In this view, the character and object of the movement, on the part of the insurgents, merit some attention. Had the insurgents not been the logical consequences of the party that has been in power, of the crisis, controversy, and these you have. But to enable you to form a just estimate of its merits in other respects, and thereby of the probable views of the insurgents, it will be necessary for me to state other facts, and which preceded the final appearance of the insurgents, as far as I was able to know, according to a report of the Convention, by them adopted. But the verity of this report, of which I herewith send you a copy, was denied by the sections. By the report, however, you will perceive that the names of the departments voting for and against the decrees, were published some time since, and to which it may be added, that no department was in favor of the decrees, that it was for the commune, that it was for the insurgents, that it arised upon it, admitting that a majority of those who voted was in favor of the decrees, whether those who did vote for them constituted a majority of the French citizens entitled to vote, and upon which I cannot yet positively decide. But I am disposed to call the attention of the most critical and large-minded to the proceedings against the decrees. It is probable that some of the communies, foreseeing a storm gathering from that source, did not choose to vote for or against them, and therefore evaded the question by design; and it is certain that, in others, the people was understood by the people that the question was taken upon the constitution and the decrees together: for latterly, in the Convention, the Constitutionists, who generally voted with the royalists, have been, in order to prevent a misapprehension of what their real intention was. I send you, however, the several papers which illustrate this point, and by which you will be enabled to form as correct an opinion as on present lights will admit; observing, further, that the report made by the Convention respecting the decrees, was made, as you will perceive, at the same time with the report, that this committee of the commune was sitting in every commune, is making out for the satisfaction of the community large, and which was commenced by order of the Convention, immediately after the first was rendered. It is to be wished that this had been some time since published, but when it is recollected that the publication must contain the proceedings of upwards of seven thousand primary assemblies, many of which are, perhaps, lengthy, impartial people will perceive that it could not be soon done, especially when it is also recollected that the whole of the interval since the order was given, has been a time of unusual ferment and trouble.

The primary assemblies were to meet, and the day of meeting was not distant. The decrees, and the evidence of their adoption, were before France, and would, of course, be before these assemblies, nor were the electors bound by any legal penalty to regard them, if they thought they were not adopted, or even disapproved them. The presumption, therefore, was, (and especially if they discredited the report of the Convention,) that they would have the effects of the two-thirds of the present Convention, vote for whom they pleased: leaving it to those who were elected by the several departments, to the legislature of the new government, whether they were entirely new men, or partly so, to take it. It appears to me, that this has been the case among themselves, and with the Convention, who should constitute the legislature of that government; or whether the whole proceeding should be declared void, and a new election called for; and which, in that event, would most probably have been the case. But the party opposed to the Convention preferred a different series of measures whereby to forward its views; the details wherein, so far as I have any knowledge of them, I will now communicate.

The primary assemblies were to meet, by law, on the 10th of Fructidor, and dissolve on the 15th. In general, however, those of Paris prolonged their sitting beyond the term appointed; and many of them declared their sessions permanent, and exhibited, in other respects, a tone of defiance and great animosity towards the existing Government. Finally, however, the primary assemblies were dissolved; and, after which, the sections of Paris, to whom the same spirit was now communicated, became the channel, or rather the instruments of the same policy; many of whom, likewise, declared their sessions permanent, and assumed, in other respects, a tone equally uncompromising. A movement towards the commune of the Tuileries, towards the commune of the Montmartre, of Paris, and which always was, and still is, the theatre of the greatest gaiety and dissipation, took the lead in these counsels. At one time it presented an address to the Convention, copiously descanting upon the horrors of terror, demanding that those who were called terrorists should not only be inhibited the right of voting, but further proceed to the idea of doing their utmost to prevent their vote in the commune of the Tuileries. The council of the neighborhood not more than three thousand foot, and six hundred horse, and which there were for six months before.

At another time it placed, by its own arrer, under the safeguard of the primary assemblies, all those who had delivered their opinions in those assemblies, and invited the other sections of Paris to form a meeting of forty-eight commissioners, to declare to all France the sentiments of this commune upon the state of affairs in the present juncture. On the 10th Vendémiaire, this section resolved that a meeting of the electoral corps should be held at the theatre Francais on the next day, and admonished the other sections to take some concurrence; as the object of which was to elect or to resist elect, the commune of the Tuileries, on the necessity of the case. A partial meeting was, in consequence, held there, and which continued its sitting for some time after a proclamation was issued by the Convention, ordering the electors to disperse. Indeed, it was not without great difficulty that it was seen read before the Convention, which was done, before it was gone before he arrived. On the 12th, this section issued other inflammatory arrrets; and on the night of the 12th, another fruitless attempt was made by the Government to surround the commune of the section and secure its members; for which General Menou, the Commandant of the guard, to support the proclamation; but they were gone before he arrived. On the 13th, this section issued other inflammatory arrrets; and on the night of the 12th, another fruitless attempt was made by the Government to surround the commune of the section and secure its members; for which General Menou, who was the leader in this attack, was degraded from the command transferred to Barras. On the 13th, the catastrophe took place, and ended as I have already stated.
That the party in question meant to subvert the Revolution, and restore the ancient monarchy, and that the destruction of the latter was the object of those who formed the former, has been the opinion of all who have had occasion to accomplish it, cannot be doubted. A slight attention only to the above facts sufficiently demonstrates the truth of this assertion in all its parts. Even in the primary assemblies a ground was taken incompatible with the present system. Some free latitude, it is true, the people have a right to take in those assemblies, however limited or special their character; but the Revolution, as it now stands, is far from acting in harmony with the electoral corps, in contempt of the law, and in defiance of the Convention, the case was altered. From that moment rebellion was announced in form, and the sword of civil war was completely unshackled. And the Convention was restored! the Convention survived, or without a counter revolution, otherwise than by reducing the revolting sections to order. Fortunately the latter view is the one that has since progressed as the friends of the Revolution have wished. The revolted sections were immediately afterwards disarmed, and without opposition, and the electoral corps is now legally convened, (those of it who have not already (abolition, re-election, etc.) and with a disposition to be more observant of the decrees, and accommodating to the existing Government.

But, if this party had succeeded in its attack upon the Convention, what would have followed? Would it likewise have succeeded in the other object, to which this was only a step? A conjunctural answer can only be given to a conjunctural question. In 1797, the impression had been made that the insurrection in the different departments would really be, at least to that stage, by a considerable portion. At the head of this corps was already placed the old ci-devant Duke of Nivernois—a man not without some literary merit, and whose character had been so free from enthusiasm, that the populace were not impressed, and who, in fact, is called the reign of Robespierre, a fit subject for the guillotine, yet he survived that reign, and received his life as a boon from those who were now threatened with destruction. It was said he declined the presidency; but it is also believed that his modest disqualification was more the effect of an accurate calculation of chances in the great game that was going on. It is not possible to say how the blow would have fallen, but that the majority of the corps, many of whom were likewise ci-devant nobles, was believed to be of the same principles. The nation would therefore have beheld, on the one side, the Convention overthrown, perhaps massacred, and whose members were sworn to behead the king; and on the other, a corps, at its head, and which it would, of course, conclude was decidedly of opposite political principles the latter advanced forward upon the ruin of the former, and in some sort possessed of the reins of government. Surely no opportunity more favorable to the views of the royalists could have been sought, than this would have presented. How they meant to improve, how they would have placed them in that situation, is not known, nor is it probable it will be: for it is to be presumed that, whatever the plan was, admitting there was one already formed for such an event, it had been concerted by the leaders only, and was not to be unfolded until after the sections were thus far plunged into the same atrocity with themselves. There were two ways by which this opportunity might have been improved; the first, by seizing the king himself, by force, or by agreement of all the departments to do the same, for the purpose of putting the constitution in motion. Had the first been adopted, the nation would, doubtless, have been greatly confounded, and, in the moment of dismay, the royalists would, most probably, have come forward, and the patriots lain, as has been the case, it is to be presumed, that some events would have been seen, and, perhaps, even in some of those sections which were foremost in the revolt; many of whose citizens had joined the opposition from principle, in respect to the right of suffrage; some because they had been persecuted, or censured as terrorists, and only because they were patriots; and others because they doubted the patriotism of those who had been elected, and their conduct when elected. All this would have happened before the motion was taken, when they heard that a king was proclaimed, and would have looked back with horror at the scene through which they had passed.

By this time, too, some of the armies would have been seen advancing towards Paris, and which would most probably have had little to do: for I am persuaded that, as soon as the citizens recovered from the extravagance into which they had been betrayed, they would be among the first to fall upon their betrayers. Had the second been adopted, it is probable it would have secured the elections in favor of the royalists; the decrees would of course have been annulled, and the new constitution, such as it had been, would have been a far more dangerous object seen by the people, and, being seen, half the danger would have been provided against. In the memory of those who were friendly to the Revolution, and the catalogue of its friends must be a long one, counting those only whose fathers and sons were slaughtered in its defence on the frontiers, the destruction of the Convention, under whose banners they had bled, would form a mural cause that would hang heavy on the shoulders of the subsequent administration. The manner of the suffrage, though in form free, would be deemed an usurpation, and the slightest deviation afterwards become a signal for revolt. If they used their power with violence, the same effect would be produced as if it were immediately proclaimed, and if they used it with moderation, they might perhaps have prevented the calamity of another crisis; and whiling away in office the time allotted by the constitution, be enabled, in the interim, so far as to effect the memory of what was passed, as to secure themselves afterwards a retreat which would exempt them from punishments but in neither case would they be able to restore the ancient monarchy. You will perhaps say, that the saving of Paris, by the | forces of the throne, is not less dangerous to the liberties of the citizens of Paris are so likewise; and that the farmers, or cultivators in general, if not decidedly in favor of the Revolution, thought in my opinion they are, are at least not against it; and which belief, though erroneous, is the root of the present condition of affairs. Admitting this to be the case, it will still be the same thing.

But you will ask, if Paris is on the side of the Revolution, how happened that such a force was formed against the Convention, whilst so small a one was marshalled on its side? Let us first establish facts and then reason from them. Paris consists of forty-eight sections, and of which eight only were actually in arms against the Convention, there for it, and the others neutral. Of those, too, who were sent by the eight sections, it is presumable, from the peremptory manner of their retreat, and the ease with which they were afterwards disarmed, as likewise by their uniform declarations at the time and since, that the greater number did not expect to be led against the Convention or, if they were not, that the retreat was very, very easily, and without much of actual hostility was inconsiderable; and this too, it was, said in part composed of the most fearful section, others from quarters, and, in some instances, even of foreigners. Still, however, there was an actual revolt by those sections, and at best a neutrality on the part of the others; the three who declared themselves for the Convention either went there for it, or, if they were not, the retreat was very, very easily, and without much of actual hostility was inconsiderable; and particularly that of Lepeletier, is certain. But that this was not the case with many is presumable. It is well known that the inhabitants of Paris, in general, wished to get rid of their present deputies, and for reasons heretofore explained. The opposition to the decrees of the Convention may be accounted for, and with the greater propriety, because it is certain they were opposed, and even by the royalists, upon republican principles, the unalterable right of suffrage, etc., and by which an impression was made in the primary assemblies upon the audience, and thence gradually extended throughout the city. In the primary assemblies, too, every person was allowed to speak; and it happened that, among the royalists, there were some good speakers, and who, by taking popular ground, en
The vessel by which this will be forwarded will not sail until a general movement, such as now exists, shall have been completed; and a Correspondence of adopted principles and purposes now awaits the conclusion of the meeting. On the day after to-morrow, the new Government is to convene, and the prospect is now favorable that it will then convene, and precisely upon the ground stated in the preceding letter. Some symptoms were lately seen which gave cause for apprehension that the expiring moments of the present regime might be spent in an agitation of that sort; but the个国家 of the states of the Union will be most unperturbed, doing from causes connected with the late movement; and happily these are over, without producing any serious effect. A commission of five was appointed to make a supplemental report respecting that movement, and it was expected by many that it would be received by a protracted committee of the Senate, and that the proposal would be carried out by the state in the same manner as the previous one, by the nobly and probably, also, in the arrears of several deputations, but that commission has freed every one from uneasiness on that account, by a report just made; and which proposes only some new provisions for the trial of offenders in that movement, and others in several of the departments, who have committed various acts of violence, sedition, and the like, and of the treaty itself, which was the main object of the whole proceeding; and of which the committee may entertain the idea that it may, I shall find that the same amicable and dispassionate counsels still prevail towards us that have been shown for some time past, to inculcate which disposition, not only by the documents and lights derived from your own, but by such others as my own reflections and some other opinions, of which the general character has been, and be assured will continue to be, equally the object of my most earnest wishes, and undergiving efforts.
Lately, Jourdan received a check on the other side of the Rhine, and which occasioned his falling back to the Rhine, upon which river both his and the French armies are posted. The cause of this is not distinctly known, but certain it is, that the duty of the military section of the committee of public safety has been since arrested, upon a suspicion of treachery; as are three others, upon a charge of treasonable correspondence with their enemies; but with what propriety I do not pretend to determine. It is worthy of remark, that it was known in England and in Basle, before it happened, that there would be a movement here at the time it happened; at which time, too, the Count d'Artois landed from England upon the Isle of Dieu, near the French coast, opposite the Vendée, where he still is.

A report was yesterday made to the Convention, of an important advantage gained in a encounter in the Mediterranean, in which the French took a ship of the line and damaged greatly two others; and likewise took fourteen merchant ships, richly laden, and estimated at an enormous sum. Two other advantages in other quarters are spoken of, still more signal than this, but not by authority.

Mr. Monroe is returned; but whether by order of the French Government, (as I suspect, and in consequence of the fortunate issue of the late movement) or the failure of his mission, be it what it may, is uncertain. Be assured, if Mr. Jay's treaty is ratified, it will excite great discontent here. Of this, however, I shall be able to speak with more certainty after the new Government is organized.

Mr. Monroe to the Secretary of State.

PARIS, November 5, 1795.

Sir:

On the 27th ultimo the Convention ended its career, by declaring that its powers ceased; and immediately afterwards the installation of the new Government began in the same hall, by a verification of the powers of its deputies, and their distribution into two branches, according to the mode prescribed in the constitution; and which was completed in that and the succeeding day. It was found upon inspection, that the decrees heretofore noticed were universally obeyed, and that, of the two-thirds of its legislative branches who were to be taken from among the members of the Convention, one branch was elected by the departments, so that the duty imposed upon those who were elected, of supplying the deficiency by their suffrage, became proportionately more easy and less objectionable. This, therefore, was immediately executed by ballot; and, after which, the interior organization of each branch followed, and which took up a day or two only; then the members of the directory, or executive, were chosen, and which was done on the 21st ultimo, and whereby the new Government was completely formed.

When I observe that the scene, which was exhibited upon this great occasion, resembled, in many respects, what we see daily acted on our side of the Atlantic, in our National and State Assemblies, you will have a better idea of the tranquility which reigned throughout, than I can otherwise describe. Nor shall I be accused of an unbecoming partiality, if I draw, from the increasing similitude in their and our political institutions, which this constitution and other proceedings furnish, the most favorable hopes of the future prosperity and welfare of this republic.

The adoption of a new constitution, founded upon the equality of rights of human beings, with its legislative powers distributed into two branches, and other improvements in the executive and judiciary departments, though still perhaps imperfect, yet certainly far beyond what past experiments here gave reason to expect, is an event of great importance, not only to France, but perhaps to mankind in general. Its complete inauguration, too, assures us that its merits will be tried; though, indeed, under the existing circumstances of a war with the neighboring Powers, who are interested in its overthrow by a strong party within, incessantly laboring to promote the same object; together with the derangements of the finances and other embarrassments which were inseparable from the difficulties they had to encounter; the experiment ought not to be called a fair one. If, however, it does succeed, and the republican system is preserved here, notwithstanding the various and complicated difficulties which opposed its establishment, and still shakes its foundation, it will certainly furnish a complete refutation of all those arguments which have been, in all ages and nations, urged against the practicability of such a Government, and especially in old countries.

Revellière, Lepaux, Rewbell, Sieyes, Le Tourneur, and Barras are elected into the directory; and who are all distinguished for their talents and integrity, as likewise their devotion to the Revolution; a circumstance which not only furnishes reasonable ground whereon to estimate the principles of those who choose them, but which will likewise tend essentially to give stability to the Republic itself. I write you at present only to communicate this important event, and will hereafter, as heretofore, keep you regularly advised of what shall appear to me to merit communication.

P. S. Sieyes has declined accepting his seat in the directory, and Carnot is appointed in his stead. Mr. Fauchet is lately arrived, and as he appears to be extremely dissatisfied with Mr. Jay's treaty with Great Britain, and is, apparently, well received by his Government, I doubt not his communications on that head will be attended to.

Mr. Pickering to Mr. Monroe.

DEPARTMENT OF STATE, November 23, 1795.

Sir:

The office of Secretary of State is yet vacant. I write now merely to acknowledge the receipt of your several letters, numbered 16, 17, 18, 19, 20, and 21.

You will see an answer to the last has been anticipated, by a long letter from me, dated in September, on the subject of the treaty between the United States and Great Britain. By that letter, you will understand that the ideas you have detailed are quite founded by the representations of the Government of the United States.

You suggestions in regard to Mr. Parish, our consul at Hamburg, have led me to request Mr. Adams of a request formerly made to him, to inquire into his conduct, and report the same to this Department. Such I understand to be the fact, and that no report has yet been received.

I am, sir, TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, December 6, 1795.

Sir:

I was lately honored with originals and triplicates of your favors of the 19th and 14th of September last.* The duplicates are yet to be received. By the first of these letters, I learn that the President has ratified the late treaty with England; and by the second, the measures taken to vindicate our territorial rights, that were violated by the captain of a British frigate, in an attempt to seize Mr. Fauchet, the late French minister, within our jurisdiction, on his return home; and to which communications due regard shall be paid, as occasion requires.

*ante, pages 596, 666.
FOREIGN RELATIONS.

1797.

That the treaty was ratified, was a fact well established here, before the receipt of your favor. It was, indeed, generally credited before the arrival of Mr. Fauchet, by whom it was confirmed, and afterwards doubted by none. As I had no reason to presume, from any communication from your Department, that the contrary would be the case, so I had never calculated on the contrary; nor had I given this Government any reason to calculate on the contrary; having left it to form its own judgment on that point, according to its own lights; but, in this respect, I have nothing whereunto to reproach myself on the score of discretion.

The effect which this incident produced in the councils of this Government, through its several stages, may be traced in my communications to you. To the very end, I beg to refer you. To these, I have at present nothing material now to add. Symptoms of discontent, it is, true, are still seen; but whether they will assume an aspect more unpleasant, I know not. If they do, or any thing occurs of sufficient importance to merit your attention, I will certainly apprise you thereof, without any delay.

You likewise saw, by my former communications, that I understood and acted upon that part of my instructions, which explained the object of Mr. Jay's mission to England, differently from what it appears, by your favor of the 12th of September, and by Mr. Randolph's of the 1st of June preceding, it was intended I should understand and act upon the idea that the general principle was placed in the course of considering alliances, and which, indeed, I am not yet perhaps fully extricated, though I hope and think I am. Upon this head, I have only now to observe, that, as soon as I had reason to believe that Mr. Jay's instructions embraced objects which I had before thought they did not, I protested against them, as having been heard, and acted accordingly. I kept out of view the far off day, to which I wish a pleasure add, that I have never heard the least intimation on it since. In reviewing this particular trait in my conduct here, you will, I doubt not, do me the justice to observe, that when I made the suggestion alluded to, it was not rashly, nor without due regard to the actual state of our affairs at the time) I was called on to make it by considerations the most weighty, and which ought not to have been dispensed with; considerations, however, which I now forbear to repeat, having heretofore sufficiently unfolded them.

I have the pleasure to enclose you the report of Mr. Skipwith, upon the subject of the claims of many of our citizens who were heretofore injured by the occurrences of the war, and in consequence entitled to indemnities, and by which you will find that many of those claims are settled, and derive useful information in respect to others.

I likewise send you a letter from Mr. Pinckney, explaining the regard to the charge exhibited against him by your Department. As Mr. Fenwick has always proved himself to be an useful, indeed a valuable, officer in the station he holds, and as the error imputed to him might be the effect of judgment only, and which I think it was, I have thought I could not better forward your views, or the interest of my country, than by confining him in the discretion of the present affair. I have, at this officer's request, the honor to offer you, and to conduct with you on the subject, so that the interval will not be great before I have the decision in question, and which will, of course, be duly executed.

Two days since, Count Carletti, minister from Tuscany, was, in consequence of some offence given him by the Government, ordered to depart from Paris in forty-eight hours, and the bounds of the republic in eight days. It is said the offence consisted in a demand made to visit the daughter of the late King, of whom he spoke in terms of considerable commiseration, and which was thought to be not only an interference in concerns exclusively their own, but to have thrown some reproach on the French Government. The count, I hear, departs to-night, by way of Marseilles.

Soon after the Government was organized, the minister of foreign affairs announced a day on which the directors would receive the ministers of foreign Powers and who were requested to rendezvous for that purpose at his house, to proceed thence to that of the directors. We did so, and were presented, without regard to precedence, to that body, and whose president addressed the whole diplomatic corps in a short discourse, the principal object of which was, to assure it of the cordiality with which it was welcomed here by the representatives of the French people, which he contrasted with that which he had experienced in another country, and which, he said, was now free from all partiality, not formal. It is only to the latter circumstance merely to contradict the account given of the address by the journalists, and who made a particular speech for the president to each minister.

Manheim has certainly fallen again into the hands of the Austrians, with the garrison; the amount of which is not known, but presumed to be several thousand. But, in Italy, the fortune of the war is on the side of France; for the same day which announced the capture of Manheim, announced likewise a great and decisive victory over the Austrians in the other quarter. The details of the killed and wounded are also not yet accurately known; but it is understood that four or five thousand are taken prisoners, many slain, and the whole army put completely to rout.

Since the organization of the new Government, the character and deportment of all the departments are essentially improved. The legislative corps, in both its branches, exhibits, in the manner of discussion, a spectacle wonderful even in its favor, when compared with what was daily seen in the late Convention. And the executive departments begin to show an energy which grows out of the nice partition of their duties, and the greater responsibility that belongs to each. In truth, the vibration from the system of terror had, by the force of moral causes, gone far, and produced so deep an effect, as to have greatly relaxed the whole machine of Government. It was necessary, therefore, to put the people and ceremony of the ancient court, with which, he said, was not a little foreign, and now a very considerable one, in order to turn it to some account. If, in directing the attention this latter circumstance merely to contradict the account given of the address by the journalists, and who made a particular speech for the president to each minister.

Mr. Pinckney has, I hear, closed his business in Spain to his satisfaction, and is now on his route back, intending to take Paris in his way. I trust this report is, in every respect, well founded; of which, however, you will doubtless be corrected inform me before this reaches you.

P. S. Count Carletti has notified to the French Government that he cannot depart without the consent of his own.

Mr. Monroe to the Secretary of State.

PARIS, December 25, 1795.

Six:

Since my last, I was favored with yours of the 9th of October, and a quadrapuplicate of that of the 12th of September by which latter, the original and triplicate were before acknowledged.

Since my last, too, I have received a note from the minister of foreign affairs, complaining of the conduct of Mr. Pinckney in France, in having invited the Comte de Vergennes to embark in vessels from the Spanish ports, without the consent of the French Government, and acting in all cases as the English agent; a copy of which note, and of my reply, are herewith forwarded. I hear, also, that his conduct was even more reprehensible than is stated by the minister: for that he not only equipped the emigrants, but did it in American bottoms, with a view of protecting them under our flag. In telling the minister of his misbehavior, I did not think proper to point out, nor state, the circumstances under which the affair happened, nor the condition of the vessel, or the character of the master, as a man who has been characterized by the French as a respectable merchant, and has been represented to me, and the latter known to the President as Captain of artillery in the late war, and lately as vice consul at Canton, in China, have requested me to communicate to you their wish to obtain an appointment in the consulate, to Mr. the respectability of persons of other European ports connected with the trade of France; and that I have reason to believe they would, either of them, be happy to accept the appointment in question. In case Mr. Parish is removed, permit me further to suggest the propriety of giving to his successor two commissions; one for Hamburg, and the other for Altona, in the name of Mr. Parish, as Benjamin Jarvis and Thomas Randall, both of New York, the former a respectable merchant, as has been represented to me, and the latter known to the President as Captain of artillery in the late war, and lately as vice consul at Canton, in China, have requested me to communicate to you their wish to obtain an appointment in the consulate, to Mr. the respectability of persons of other European ports connected with the trade of France; and that I have reason to believe they would, either of them, be happy to accept the appointment in question. In case Mr. Parish is removed, permit me further to suggest the propriety of giving to his successor two commissions; one for Hamburg, and the other for Altona, in the
the influence of the Emperor, and is therefore a less eligible port for mercantile transactions, and especially those connected with France.

I sent you, with my last, a report of Mr. Skipwith upon the cases submitted to his care for adjustment with this Government, and shall continue to give him all the aid in my power in those cases which remain unsettled, and apply your regularity of the progress.

Departures: Mr. Franklin, French, and Mr. Pinto, Spanish, shall certainly be paid.

At present, no symptoms of an approaching peace are to be seen, unless, indeed, the most vigorous preparations for the continuance of war may be deemed such, and which sometimes happens. The directory has called on the Legislature, for a supply of 800,000 men, which would have been raised by the subscriptions paid in the form of a loan; of which I send you a copy. The greatest possible injunctions are making by that body, and which seem to be supported by the Legislature, in putting the armies, the fleets, and the interior, into the best possible order; and so far as I can judge from appearances, these exertions seem to produce the effects that are desirable. War is the condition of Europe, and from which they cannot be extricated, without, I think, their severest anxiety, for they do not, they command respect. It is said, that Piccheu and Jourdan have lately gained several important advantages over the Austrians, in actions, which, though not general, were nearly so; and that, in the result, they have resumed their station before Mayence. The former part of this report is, I believe, to be depended on; the latter wants confirmation. The course of their exertions is, to keep up successes in those quarters, indeed, since the victory mentioned in my last, they have met with but little opposition.

Latterly the views of Prussia have become more doubtful than they were before. The conduct of Prince Hohenlohe, who, contrary to the neutrality of the German States, during the retreat of the former, and who were stationed there to preserve the line of neutrality in favor of Prussia, it is said, could scarcely be deemed neutral. For the civilities which were shown by him to the Austrians upon that occasion, it is said, he has been rewarded since by some complimentary attention from the Emperor. The Dutch appear apprehensive that the King of Prussia will seek suitable opportunity, if any offers, to favor the restoration of the stadtholder; and it is possible the conduct of the Prince Hohenlohe, above referred to, may have increased that suspicion, by giving an insight into what might be the views of the Prussian cabinet, in case the retreat had continued; or any great reverse of fortune should hereafter befall the French arms. It is certain, however, that momentous difficulties are always so much at hand, and that those, upon some occasions, suspicion is thrown upon those who do not deserve it.

The Count Carletti, late envoy, &c., from Tuscany, left Paris some four or five days since. He had refused going until he had heard from the Grand Duke and remained, notwithstanding the reiterated orders of the directory. Finally, however, he was ordered to depart in twenty-four hours, (this was not done before as I stated in my last) with intimation that force would be used to compel him, in case he did not. He still held out, however, the flag of defiance. The twenty-four hours expired, at which moment a commissary, with a carriage from the Government, waited to receive his person. In other words, in case the Count be not at Havre, the Austrian minister, says a safe beyond the bounds of the republic; which was accordingly done. The diplomatic corps was summoned, by a member either averse to this peremptory mode of proceeding, or friendly to the Count, to interfere with the directory in his behalf. There were seven members of that corps of opinion, that, although sometimes a demand is made on the Government of a minister who gives offence, to recall him, yet there is no obligation on the Government offended, by the law of nations, to take that course; but that it may take any other, and even upon slight occasions, to rid itself of him, more prompt and summary, if it thinks fit; and, in consequence, no step was taken by the diplomatic corps on the subject.

I inclose you, also, a note from the minister of foreign affairs, complaining of the seizure and condemnation of the corvette Cassius; which, he says, is in violation of the treaties between the two republics; and to which I replied, that I would present the subject to your attention; and doubted not I should be enabled to give a satisfactory answer thereon.

Mr. Monroe to the Secretary of State.
Paris, January 6th, 1796.

Some weeks past, the property of William Vans, a citizen of the United States, was attacked by Joseph Sand, another citizen of the said States, in a tribunal of France at Havre; where the cause was sustained, and judgment rendered in favor of the plaintiff. From this judgment the defendant appealed to the superior tribunal of the department of Havre; to which the two parties applied for redress. As soon as the suit commenced, Mr. Vans applied for my interference, proposing to say, before the court, that the two parties are citizens of the United States, at the instance of a fellow-citizen, from the tribunals of the country; the cognizance of such controversies being, as he supposed, thereby exclusively vested in the consuls of each nation, within the jurisdiction of the other. I examined attentively the convention, and was of opinion, that the construction insisted on by Mr. Vans was sound; but that the plaintiff made a mistake in principle, and is of opinion that the defendant is not entitled to decline any interference in it, till I had your instruction. He continued, however, to press me; saying that if such was the import of the article, it was vested in him a right which I ought to secure him the enjoyment of; the deprivation of which, too, in the present instance, would be his ruin: for that the execution of the judgment by the sale of the merchandise attacked at Havre, where there was no demand for it, would not only subject him to a severe loss, but that he was likewise sued for the same sum in America, and where judgment would probably, likewise, be rendered against him. Finally, therefore, I did apply in his behalf, by a letter to the minister of foreign relations, of which I send you a copy, explaining my idea of the import of the treaty in the case in question; and requesting that the Executive (so far as depended on that branch, and provided it concurred with me in opinion) might cause the same to be executed; and to which I have yet received no answer, though I am assured verbally, that the directory concurs with me in the construction; and that a correspondent instruction thence will be given by the minister of justice, to the effect that the suit now is with whom it will probably be decided. I state this case to you, I apprehend how it is the wish of the President I should act in cases of the kind in future, and even in the present one, if not finally settled before I hear from you; and which may probably happen. If it is wished that such cases be allowed to the courts of the country, I doubt not such a practice will be agreeable to this Government; but if the contrary is preferred, you will, I presume, see the necessity of prescribing, by the suitable practice, how the consular courts are to be held, how their process is to be executed, and appeals conducted.

As connected with this subject, permit me to call your attention to another, upon which I likewise wish to be instructed. For the port of Havre there are at present two consuls, or rather a consul and a vice consul: both of whom, Mr. Cutting and Mr. Lamotte, are recognized by this Government. Was it intend the latter commission should cease, it would exist, then, only with Mr. Cutting, who has been dormant only when the consul is present? I wish to know in what light I am to consider these appointments, since thereby I shall likewise know to whom I am to look for the performance of the consular duties of this port.

A third one of the same kind occurs, and which I wish to mention to you. Sometime since, Mr. Picaire was appointed consul at Paris, in place of Mr. Pinto. I believe it may be proper to mention to you further, some considerations, growing out of his character as a British subject, and the actual state of things here, which made it inexpedient to demand his recognition of this Government, until after they were weighed, and I, in consequence, was not at liberty to state it, like Mr. Pinto, as I have before stated in the last. I have May last, and to which, as yet, I have received no answer. As Mr. Picaire probably expects to hear from me on this topic, I shall thank you for information of what I am to say to him, and how I am to act in that respect.

* Both of these gentlemen are men of merit and great respectability. I wished only the principle settled.
The collection of the forced loan continues, and will, I think, succeed. But what its product will be, is a point upon which there is a diversity of opinion. Some think it will fall short of the sum at which it was estimated, whilst other carry it much beyond that estimation. Certainly, however, it is, that by means thereof the embarrassments of the present already present must be greatly diminished, and that of a more complete system of finances which subject is now under consideration of the council of five hundred.

About the twenty-fifth of December last, a truce was asked by the Austrian Generals Wurmer and Clairfait, of Pechgau and Jourdan, for three months, and granted, subject to the will of the directory, by whom, it is said, it was allowed for only the report, at first circulated, that it was wholly rejected, being without foundation. Whether it will be prolonged, admitting the term as stated to be correct, is unknown, as likewise is the motive of Austria in asking, or of France in granting it. The presumption is, it was to try the experiment of negotiation in the interim; and such is the report. And it is likewise presumable, that such an experiment was made or is now making; but, from what I can learn, there is little prospect of its producing a peace. It will be difficult to part Austria from England, whilst the latter supplies the former with money to carry on the war, and which she will probably continue to do, whilst she carries it on herself. The present prospect, therefore, is, that Europe is destined to sustain the waste and havoc of another campaign, for, superior as England is at sea, and all other parts of the world at land, to the Austrian conquest of the Cape of Good Hope, it is not probable, if she escapes an internal convulsion, the symptoms of which have diminished of late, that she will restore everything on her part, and leave France in possession of the Belgic, and some of the Dutch provinces, such as France, and the directory, and the peace commission, of which they have hitherto been, the subject of serious communication with England, will make any sacrifice in favor of the Emperor: whether, in short, she would agree to restore the possessions taken by her from France and Holland, as a consideration for the restoration of the Belgic to the Emperor. It is even added, that intimations have been made by her, that, if France will leave her in possession of her conquests from Holland, she will restore everything taken from France, and leave her in possession of St. Domingo and the Belgic. If this be true, and it be credited by the Emperor, it will certainly tend to weaken, and perhaps absolutely to dissolve the connexion between England and Austria.

I communicated to you, in two preceding letters, the application of Count Carlotti, minister from Tuscany, for permission to visit the unfortunate young princess, &c., and the displeasure that which demand gave to the directory, who suspended his powers immediately, ordered him to leave the republic forthwith, and, finally, sent him, by force, beyond its limits. It was apprehended, by many, that this peremptory mode of proceeding would give offence to the Grand Duke; the contrary, however, was the case; for, as soon as he heard of the transaction, he despatched another envoy to the directory, to dissuade the demand of Carlotti, and declare his respect for the French Government, and such was the solicitude for his hasty departure, that he actually departed without the ordinary credentials, bearing simply a letter of introduction from the Grand Duke himself. Thus, therefore, this business has terminated, without giving any injury to the French republic, whilst it is a proof of the energy of its councils, and of its decision upon the delicate subject to which it refers.

On the 21st instant, being the anniversary of the execution of the late King, the members of the legislative corps of the directory, and all public officers, took a new and solemn oath to support the constitution, and not, rather, of hatred to royalty. The directory gave, on the same day, what is called a feit in the champ de Mars, where an amphitheatre was erected, and from whence the President, surrounded by the other members, and all the policy of the Government, delivered an oration suited to the occasion, to a numerous audience. It seems to be the policy of the existing Government to revive the zeal of the people in favor of the republic, and of the revolution; and measures of this kind are certainly well calculated to produce that effect.

P. S. Since writing the above, I have heard, through a channel that merits confidence, that the term of the truce is prolonged, and which strengthens what I intimated above, that a negotiation is depending with Austria. The recent departure, too, of one of the Dutch ministers for a conference, with the directory, and where took place about the time the truce was, probably, prolonged, is a circumstance which I think proper to communicate, since it gives cause to suspect, if a negotiation is depending, it treats for a general, and not a partial peace.

Mr. Monroe to the Secretary of State.

Paris, February 16th, 1796.

I think it my duty to state to you, and without delay, a communication made me yesterday by the minister of foreign affairs of a visit of a very interesting nature. I called to request him the distress of several of my countrymen, occasioned by the protest, at Hamburg, of bills given them for supplies rendered the Government, and to request his aid with the directory to obtain them relief. This application was intended to harmonize with one that was making informally by our consul general, with the directory, and which was arranged, in order to determine the demands of the claimants before that of Paris, and in a form that might not wound its feelings. But, before I entered on this subject, my attention was called to another, more important, and upon which he seemed pleased with the opportunity of addressing me. He observed that the directory had, at length, extraordinary effort to repair to the United States, to declare to our Government the dissatisfaction of this, in respect to our treaty with Great Britain, had penetrated me with the deepest concern, because I feared, from a measure so marked and conspicuous, the most serious ill consequences, both to them and to us. I stated to him that such a
mission was calculated to make an impression in America, and throughout the world; not only that they were dissatisfied with us, but, that even the issue of war and peace was suspended on the issue of the mission—their and our enemies would rejoice at the event, whilst theirs and our friends would behold the spectacle with horror: that the mission itself would place both republics in a new dilemma, and, from which, they could not both well extricate themselves with honor; that something was due, in the opinion of the world, to the character of the mission—its success must be brilliant, or the public would be disappointed, and this might induce them to insist on terms they would not otherwise have thought of, and which would increase their mutual embarrassments; that, as soon as the mission was known to foreign powers, they would commence their intrigues to make it the means of separating us; that all were interested in our separation, not only in our union; and, that our separation was an evil to be deprecated by every means in our power; and, that, if the directory entered on this course, we should not think it strange that we had never confided in the friendship of any power but in that of France, so I was satisfied they had no real friend except America; that republics could never count upon the friendship of monarchies; if they did count upon it they would be always deceived. Peace there might be, but peace and friendship did not always mean the same thing.

I observed further, that France had gained credit by her late conduct towards us. For whilst England had seized our vessels, and harassed our trade, she had pursued an opposite, and more magnanimous policy; and which had produced, and would continue to produce, a correspondent effect, by increasing our resentment against England, and attachment to France. But as soon as the latter should assume an hostile or menacing deportment towards us, would this motive diminish, and the argument it furnishing lose its force? That by this, however, I did not mean to be understood, as adding that the well founded suspicions, if not, admitted, or were thought to exist, should be withheld; on the contrary, I was of opinion, they should be brought forward, as well to obtain redress where it was wished, and could be given, as to make known, in a frank and friendly manner, the sentiments which each entertained of the conduct of the other, in case that were interesting to it. That on my own part, I was always ready to enter into such explanations, when required, and would do it in the present instance with pleasure; since, by being possessed of our view of the subject, they would be better able to decide, whether the complaint was well or ill founded, and of course how far it merited to be considered in that light. In short, I used every argument that occurred, to divert the Government from the measure proposed, assuring him, in the manner I have mentioned, that I was satisfied it would produce no good effect to France; on the contrary, that it would produce much ill both to her and to us.

The minister replied, that France had much cause of complaint against us, independently of our treaty with England, but that, by this treaty, ours with them was annihilated. That the directors considered it proper to act, in these respects, as absolutely unfriendly to them, and, under which impression, it was their duty so to represent it to us: that the mode which was proposed of making such representation had been deemed mild and respectful, and as such ought not to give offence. He admitted, however, that the objections I had stated against it were strong and weighty with him, and that he would immediately make them known to the directors, and by whom, he doubted not, all suitable attention would be paid to them. Since this I have not seen him, but propose seeing him again, either to-day or to-morrow, on this subject; and, after which, I will immediately apprise you of the state in which it may be.

This affair has given me great concern, because it opens a new era upon us; and whose consequences, unless the measure itself be prevented, may be of a very serious kind. I shall do every thing in my power to prevent it, and, in any event, communicate to you, and with the utmost dispatch, every incident that turns up connected with it.

So far, my object has been to break the measure in question; and after which, if effected, I shall most probably be called on for explanations of the treaty complained of; and, in which case, I shall of course avail myself, in the best manner possible, of those communications which have been heretofore received from your Department.

The Minister Plenipotentiary of the United States to the Minister of Foreign Affairs.

Paris, May 5, 1796.

Being informed by you that the executive directory considers the late treaty between the United States of America and Great Britain as derogating, in some respects, from the treaties of alliance and commerce subsisting betwixt the two republics, and that your mission to the United States, will be instructed to represent the same to our Government, I have thought it my duty to ask an audience of the executive directory upon that subject, not doubting that the explanations I shall be able to give thereon will make on that body an impression sufficiently satisfactory to merit all its attention. Permit me, therefore, to request, citizen minister, that you will, at your leisure, communicate to me the explanation which your government have given of the treaty, and which, I am sure, will be the best means of informing the executive directory upon that subject, at such time as may be most convenient for that body to receive me.

The Minister of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

Paris, 17th Ventose, (March 7th, 1796) 4th year of the republic.

I have the honor to inform you, citizen, that the executive directory will receive you to-morrow, the 18th instant, at ten in the morning.

CH. DE LA CROIX.

Mr. Monroe to the Secretary of State.

Paris, March 10th, 1796.

I informed you, in my last of the 16th and 20th ultimo, of a communication made by me to the minister of foreign affairs, that the directors had resolved to send an envoy extraordinary to the United States, to remonstrate against our late treaty with England, and of my efforts to prevent it; and I have now the pleasure to add that I have reason to believe those efforts have been successful, the minister having assured me, in a late conference, that the directory was disposed to accommodate in this respect, and to make its representations, on that subject, through the ordinary channel. He repeated, however, upon this occasion, in terms equally strong with those he had used before, that the object was to protect the United States from the injury done to France by that treaty, and upon which explanations were expected, and would be sought.

I asked him what were his objections to the treaty, to which he replied, as before, in general, rather than in particular instances; and that the tendered states with which they were not in alliance in the present war. I replied, that it was not admitted by our Government, that any, the slightest, deviation would give us any reason to doubt of our treaties with this republic; nor ought it to be presumed, until it was shown that such was the case, especially as I had before informed him, and now repeated my willingness to discuss that point, whenever he thought fit. He intimated that I should certainly hear from him on the subject, and in time to receive a reply, and attend to all the observations I chose to make on it, but being now before the directory, he could not well enter on it the manner I proposed, until he had the further orders of that body in that respect. Thus, therefore, the matter now stands, and I have only to repeat to you my assurance that I shall continue to pay to it all the attention it deservedly merits.
The state of affairs here has not varied essentially of late, either in the internal or in the external relations of the republic. The forced loan was less productive than it was expected to be, and of course the relief it gives must be considered as partial, and temporary only. Nor is any system yet adopted to supply what will be necessary, after the amount thus raised is spent. The situation of the Government has, indeed, changed, the money is not required for the prompt execution of any important object; and, for this reason, the measure has been, to a certain extent, suspended until the earnings of the year to come can be applied in carrying it out. The war it is determined to pursue does not require such a voluntary contribution as that it is in contemplation to make. The annual loan of the state is not likely to be required until the next winter, and for three or four years, the exigencies of the republic have not been such as to render the prompt raising of any considerable sum of money necessary.

The Treasury is well supplied for the current year, and the Senate, in investigating the proceedings of the last, has found no proof of any misappropriation of the money collected by it. The state of the finances is such as to authorize the Government to suspend the collection of any further money, and to depend on the receipts to pay all the expenses of the war.

The President, in his message to Congress, has laid before it a statement of the amount required for the support of the army and navy, and of the means by which it is proposed to raise the money necessary to carry it out. The amount required is not large, the receipts are more than sufficient, and the money required is to be collected in the usual way, by the sale of bonds, and the payment of interest on the existing debt.

The President has recommended the appointment of a committee of three to consider the measures for the collection of the money required, and to report to Congress a plan for the prompt and effectual execution of the measure. The committee has been appointed, and is now engaged in the discharge of its duties.

The measures recommended by the President are such as to secure the prompt and effectual collection of the money required, and to place the Government in a condition to carry on the war with success. The President has introduced a measure for the amendment of the Constitution, which will do much to render the Government more efficient, and to secure the rights of the people.

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the most striking of a confession, without limits, in abandoning the rule, which the rights of nations, their treaties with all other Powers, and even the treaties of England with most of the maritime Powers, have given to contraband. To sacrifice, exclusively to this Power, the objects which are necessary for the equipment and construction of vessels, is not to depart evidently from the principles of neutrality?

But in order to bring this point into an intelligible form, I suppose it is not necessary to enumerate the denominated of contraband even to provisions. Instead of restricting it, as all treaties have done, to the case of an effective blockade of a port, as forming the only exception to the complete freedom of this article, they have tacitly acknowledged the pretensions of England to extend the blockade to our colonies, and even to France, by the force of a proclamation alone. This shews the extent to which the principle of neutrality is not understood or observed, and is not only seen in the citadels of the United States, by the course by which they have contracted to defend our colonial possessions, and with the duties, not less sacred, which the great and inestimable benefits they derive from their commerce with those islands bind them to observe.

CH. DE LA CROIX.

Mr. Monroe to the Minister of Foreign Affairs.

PARIS, March 15th, 1796.

I was lately honored with your note of the 19th Ventose, (March 9th) objecting to several of the measures of our Government, that have occurred in the course of the present war, and to which, I presume, I shall herein render you a satisfactory answer. For this purpose I shall pursue in reply the order you have observed, in stating those objections; and, according to the light I have on the subject, give to each the answer it requires.

The objections are comprised under three distinct heads, a summary of which I will first expose, that my reply to each may be better understood.

First. Your first complaint is, that we have failed to execute our treaties with you, and in the following respects:

1. By submitting to our tribunals the cognizance of prizes brought into our ports by your privateers. 2. By admitting English vessels of war into our ports, against the stipulation of the seventeenth article of our treaty of commerce, even after such vessels had taken prizes from you, and in some cases with their prizes. 3. By omitting to execute the consular convention, which, according to the most important clause of it, required you to provide, as you suggested, suitable means for carrying those clauses into effects the first of which secures to your consuls within the United States, the exclusive jurisdiction of all controversies between French citizens; and the second, the right to pursue, and recover, all mariners who desert from your vessels. 4. By suffering, in the port of Philadelphia, the arrestation of the captain of the corvette Cassius, for an act committed by him on the high sea, and which you say is contrary to the nineteenth article of the treaty of commerce, which stipulates, that "the commandants of public and private vessels shall not be detained in any manner;" and the rights of nations, which put such officers under the protection of their respective flags; and by likewise attempting to invalidate the recognition of that corvette, though armed at Cape Fréres, upon the pretense that she was armed in the United States.

Second. Your second complaint states, that an outrage, which was made to this republic, in the person of the minister, the citizen Pauchet, by an English vessel (the Africa) in concert with an English consul, in arresting, with the jurisdiction of the United States, the vessel in which Mr. Pauchet was marked, searching his trunks, and afterwards remaining within the waters of those States for near a month, to watch the movement of the frigate in which he finally sailed, was left unpunished; since you urge, that the measures which were taken by our Government, in regard to that vessel, and the consul, were not taken in a suitable time to remedy the evil, and were produced by a subsequent outrage, and of a very different kind.

Third. Your third and last complaint applies to our late treaty with England; which you say, not only sacrifices, in favor of that Power, our treaty with France, but departs from that line of impartiality which, as a neutral nation, we were bound to observe. Paragraphs and stipulations are given of this charge in your note, and which I shall particularly notice when I come to reply to it.

This is a summary of your complaints, and to each of which I will now give a precise, and, I flatter myself, a satisfactory answer.

First. Of the inexecution of our treaties with this republic, and of the first example given of it: "The submission to our tribunals of the cognizance of prizes brought into our ports by your privateers."

I am ready to answer this charge, to ask whether you insist, as a general principle, that our tribunals are infallible in the right of taking cognizance of the validity of your prizes, in all cases; or are there exceptions to it? As a general principle, without exception, I think it cannot be insisted on; because examples may be given, under it, of possible cases, which prove it cannot be so construed and executed, without an encroachment upon the inherent and unalienable rights of sovereignty in both nations, which neither intended to make, nor does the treaty warrant any exception to.

Suppose, for instance, a prize was taken within our jurisdiction; not upon the high seas, nor even at the entrance or mouth of those great rivers and bays, which penetrate and fertilize our country; but actually in the interior, and at the wharf of some one of our cities. Is this a case over which our tribunals, or some other branch of our Government, can decide, that the true interest of the treaty impels upon us, and which, upon you in turn, the obligation thus to abandon, as a theatre of warfare, in which you bear no part, the interior police of your country? Can it be done consistently with the dignity or the rights of sovereignty? Or, suppose the privateer which took the prize and led it into port was fitted out within the United States, the act being unauthorized by treaty; could we tolerate this, and refuse the like liberty to the other nation at war, without parting from that line of neutrality we ought to observe? You well know that those rights which are secured by treaties form the only preference in a neutral port, which a neutral nation can give to either of the parties at war; and if these are transcended, that the nation which so acting makes itself a party to the war; and, in consequence, merited to be considered and treated as such. These examples prove that there are some exceptions to the general principles; and perhaps there are others which do not occur to me at present. Are these cases the instances in which our treaty is supposed to be in violation? and, if you pretend they are, I am persuaded you will concur in my opinion, that the complaint is unfounded, and that we do not violate our duty—a duty we were bound to perform, as well from a respect to our rights as a sovereign and free people, as to the integrity of our character; being a neutral party in the present war.

You were so far right that I admit the principle, if a prize was taken upon the high sea by a privateer fitted out within the republic, or its dominions, that, in such case, our courts have no right to take cognizance of its validity. But is any case of this kind alleged? I presume none is or can be shown.

2. Proceeding to this, you execute our treaties with this republic, says that, in contravention with the seventeenth article of the treaty of commerce, we have admitted British vessels in our ports, such as have taken prizes from you, and, in some cases, with their prizes. The article referred to stipulates the right for your vessels of war, and privateers, to enter our ports with their prizes, and inhibits that right to your enemies: it does not stipulate that the vessels of war belonging to your enemies shall not enter, but simply that they shall not enter with their prizes. This latter act, therefore, is, I presume, the subject of your complaint. Here,
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...it only stipulates, that, in case such vessels enter your or our ports, proper measures shall be taken to compel them to retire as soon as possible. Whether you were rightly informed with respect to the fact is a point upon which I cannot decide, as I know nothing about it. Our coast is extensive, our harbors numerous, and the distress of our people has never ceased to be a cause of anxiety. It may have happened that some of the vessels may have been thought to belong to the Government. Many outrages have been committed upon us by that nation in the course of the present war, and this may likewise be of the catalogue. But I will venture to affirm, that no comeliness was given by our Government to the acts of the Presidents of the United States; and that they are in the opinion of my correspondents without delay. You know we have no fleet, and how difficult it is, without one, to execute a stipulation of this kind, with that promptitude which your agents in our country, ardent in your cause, and faithful to your interest, might expect.

2. In the third article under this head states, that we have omitted to execute the consular convention in two of its important clauses; the first of which secures to the consuls of each, in the ports of the other, the exclusive jurisdiction of controversies between their own citizens; and the second of which gives to the consuls a right to receive such mariners as desert from their respective ships. In the former, the supposed incompetency of the law, provided on our part, to execute the judgments of your consuls within our jurisdiction, I can only say, that as to no particular defect is stated, so no precise answer can be given to the objection. And upon the second, which states that the judges charged by our laws to issue warrants for the apprehension of deserters and of all who may be supposed to have deserted, in their vessels, be found afterwards within the territory of the United States, the presentation of the original registers of the vessels to which they belonged, as the ground whereon to issue these warrants, I have to observe, that, by the clause in question, (the ninth article) the original seems to be required; and that the copies spoken of in another part of the treaty, (the fifth article) obviously apply to other objects, and not to such as I have. I now do me here to add an extract from our law, passed on the 9th of April, 1792, expressly to carry into effect the convention in question, and which applies to both cases.

The district judges of the United States shall, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said convention; and it shall be incumbent on them to give aid to the consuls and vice-consuls of France, in arresting and securing deserters from the vessels of the French nation, according to the tenor of the said article. And where, by any article of the said convention, the consuls and vice-consuls of France are required to give aid to the district judges of the United States, or to the officers of the United States, in the discharge of their respective duties, the said consuls and vice-consuls shall, within their respective districts, be the competent officers, and shall give their aid, according to the tenor of the stipulations. By this extract you will clearly perceive, that it was not the intention of our Government to frustrate or embarrass the execution of this treaty: on the contrary, it was designed to carry it into effect, according to its true intent and meaning; and that it has done so, so far as could be done by suitable legal provisions.

It may hereafter be deemed a subject worthy of consideration, whether the first of these clauses in that convention has not been the subject of misconception from a false idea of the nature of the public administration independent of that country, cannot well be reconciled with any correct idea of its sovereignty: nor can it exercise its functions without frequent interference with the authorities of the country; and which naturally occasions strife and discontent between the two Governments. These, however, are not the only objections to the measure, though with me they, when transmitted, are the most obvious. The circumstances, it was difficult for those consular tribunals to serve their process, and execute their judgments; a limited jurisdiction to a town or village only admits of it. In the United States, therefore, and in France, where the territory is immense, and the number of citizens of each country in the other considerable, as is now the case, it becomes impossible. Many of these, in each country, do not feel the interest of the other, and it was not for the peace of the two Governments that the consuls and vice-consuls should be bound to compel their attendance before him? How execute the judgment afterwards? For the tribunal of one country to call in the aid of the officers of another, to execute its decrees or judgments, is an institution at least objectionable; but to send those officers round the country, through the range of one hundred leagues, is an imposition in the highest degree.

Permit me, then, to ask, what are the motives; on your or our part, for such an institution? In what respect are you or we interested, that your or our consuls should have the exclusive jurisdiction of controversies between your or our citizens, in each other's country? Why not submit those controversies, in common with all others, to the tribunals of each nation? Some considerations in favor of the institution, it is true, occur; but yet they are light and trifling, when compared with the numerous and strong objections that oppose it. So much, however, by way of conclusion.

...In your fourth and last example, under this head states, that the captain of the corvette Cassius was arrested in Philadelphia, for an act committed on the high sea, contrary, as you suggest, to the nineteenth article of the treaty of commerce, which stipulates, that "The commandants of vessels, public and private, shall not be detained in any manner whatever; and of well known rights of nations, which put the officers of public vessels under the safeguard of the public service." And that the vessel was likewise seized, though armed at the Cape, upon the pretext that she was armed some time before in Philadelphia.

As you have not stated what the act was, with the commission whereof the captain was charged, I can, of course, give no explanation on that head. Satisfied, however, I am, that if the crime was of a nature to authorize our courts to take cognizance of it, he would not have been detained by the Government of the United States having ever been a merchant, since that article, as you perceive, was intended to establish a general principle in the intercourse between the two countries; to give a privilege to the ships of war of each, to enter and retire from the ports of the other; and not to seize, in favor of any particular delinquent, an immunity for crimes; nor, in my opinion, does it authorize a law or punishes, admit of a different construction, of the protection to other nations, and other protection to us. I am, however, to hear that he is released, since it furnishes an additional proof that the whole transaction was a judicial one; regular, according to the course of our law, and mingling nothing in it, in any view, that ought to give offence here.

With respect to the sequestration of the corvette Cassius, upon the pretext that she was to watch the motions of the frigates in which he sailed; and which you say was not released, as it ought to have been, by our Government: since you add, the measures which were taken by it, in regard to that vessel, and the consul, were the effect of another and subsequent outrage.

The punishment which was inflicted by our Government upon the parties who committed that outrage, by revoking the commissions of the council, and ordering that all supplies should be withheld from the vessel; as likewise that she should forthwith depart from the waters of the United States, was, I think you will admit, an adequate one for the offence. Certain it is, that, as we have no fleet, it was the only one in our power to inflect and that this punishment was in no wise unwarrantable. The consequence of the state of the nation, the exigencies of the public service, the act of the President upon that subject, a copy of which I herewith transmit to you; and by which you will perceive, that there was no distinct outrage offered to the United States, upon that occasion, by the parties in question; but that both the one and the other (the attempt made upon the packet boat in which you were embarked, by which you were led to believe the corvette had been captured, and which you were informed by the same captain, to the Governor of the State of Rhode Island, in concert with the British consul there, and which
conceived the second) were only several incidents to the same transaction, forming together a single offence; and for which that punishment was inflicted on those parties.

I have a further point to add, that the President was neither inattentive to what was due to your rights upon that occasion, nor to the character of the United States, that he gave orders to our minister at London, to complain formally to that Government of that outrage; and to demand of it such satisfaction upon the part, as the nature of the insult required; and which has, doubtless, either been given, or is still expected.

Third. Your third and last complaint applies to our late treaty with England; and which, you say, has sacrificed your sense of security, and the interests of your neutrality.

1. In support of this charge you observe, that we have not only departed from the principles of the armed neutrality adopted in the course of the last war, but have abandoned, in favor of England, the limits which the rights of our nations and our own treaties with all other Powers, and even England in her treaties with many other Powers, has given England as a neutral.

2. That we have also consented that provisions should be deemed contraband, not when destined to a blockaded port only, as should be the case, but in all cases, by tacitly acknowledging the pretensions of England, to place by pleasure and by proclamation, not only your islands, but even France herself in that dilemma.

Contracts therefore, between the United States, and the other neutral Powers, at the time you mention, and acceded to by all the Powers then at war against England, are extremely dear to us; because they are just in themselves, and in many respects very important to our welfare: we insert them in every treaty we make with those Powers who are willing to adopt them; and our hope is, that they will soon become universal. But even so, all these other Powers being as most formidable, and the maritime Powers being arranged against her, you well know that she never acceded to them. How can she, then, upon the present occasion, when that combination was not only broken, but many of the parties, then parties to it, and against England, were now enlisted on her side, support of her principles? You must be sensible that, under these circumstances, it is impossible for us to obtain from that Power the recognition of these principles; and that, of course, we are not culpable for having failed to accomplish that object.

I regret also, that we did not succeed in obtaining from that Power, a more liberal scale of contraband, than was allowed in the treaty of 1795. It is true, the articles of navigation and commerce of 1795, are not particularly alluded to here, and every where else, it was equally an object of importance to enlarge the freedom of commerce in that respect, by diminishing the list of contraband. Perhaps no nation on the globe is more interested in this object, than we are. But here, too, the same difficulty occurred, that had in the preceding case; and it was in consequence decreed by the convention of 1795, that the list of contraband could not be enlarged; and the list of the law of nations to remain unchanged in any respect. Is it urged, that we have made any article contraband that was not so before, by the known and well established law of nations; which England had not a right to seize by that law, and did not during the war, when they fell in her way? This cannot be urged, because the fact is otherwise; for, although we have not amended the law of nations in that respect, yet certainly we have not changed it for the worse; and which alone could give you just cause of complaint.

With respect to the objection stated to a clause in the 19th article of the treaty with England, which presumes we are thereby prohibited bringing provisions from the United States to France, I have only to add, that no such prohibition is to be found in it, or other stipulation which changes the law of nations in that respect; on the contrary, that article leaves the law of nations where it was before authorizing the seizure in those cases only, where such provisions are contraband by the existing law of nations; and according to our construction of the article, and to calling to a blockaded port; and in which case payment is stipulated; but in no respect is the law of nations changed, or any right given to the British to seize other than they had before; and such, I presume, you will agree, is the true import of that article.

You will observe by the article in question, that when our provisions destined for a blockaded port are seized, though by the law of nations subject to confiscation, they are nevertheless exempted from it, and the owners of such provisions entitled to the payment of their value. Surely this stipulation cannot tend to discourage my countrymen from adventuring with provisions into the ports of this republic; nor in any other respect prevent their enterprising here or contrariwise, it was not probable, that it would produce the opposite effects; since, thereby the only penalty which could deter them, that of confiscation, in the case above mentioned, was completely done away?

Thus, citizen minister, I have answered, according to the views of our Government, and the light I have upon the subject, the objections you have stated against several of its measures adopted in the course of the present war; and I hope to your satisfaction. That any occurrence should take place in the annals of the republics, which gave cause for suspicion, that you doubted, in any degree, our sincere and affectionate attachment to your welfare, is a circumstance that cannot otherwise than give pain to our Government and our people. That these, however, should be the result of new stipulations, or of your complaints, on both sides, is the best evidence of your having, in every event, things that I have not come there to ask from that body such exposition, for the purpose of discussing the subject with it, because I knew it was against rule: that I wished, the directorate would cause the minister of foreign affairs to lay open your complaints to me, receive my answer, and enter into a full discussion of them; and in the interim, that it would suspend giving its attention to those complaints, until after the result of that discussion was before it: that the discussion itself could not otherwise than throw light on the subject, and in the degree, promote the interest of both countries, so far as that might be affected by their decision in the matter; and above all, that it was more proper in them, than it was in me, to demand of a foreign government, and that it should be complied with. Some general observations were then made by that body, upon the subject of its complaints, and to which I made the answers that occurred at the time, dissipating its doubts in one or two cases at once, and particularly, with respect to the countenance it heard was given in the United States to their emigrants, by stating, that we received all France, and even Minister, as friends; that we did not, so could we, discriminate against France; as they were generally, on account of their political principles, because we did not know what their principles were: that we saw in them all, the people of a nation to which we were much attached for services rendered us by it in the
day of our difficulties, and treated them accordingly: and with respect to the President, that he had given orders, that certain distinguished emigrants, otherwise in some respect entitled to attention, but known to be obnoxious here, should, on that account, be excluded his public hall, which was open to all other persons. Several of the managers of the directory reciprocated, with great earnestness, professions of friendship assuring me, at the same time, that no step should be taken in the business in question, but upon due deliberation, and after the discussion I had asked should be finished, and my arguments fully weighed; and thus I left them.

I shall transmit to you, as soon as it is closed, the result of the communications which may pass between the ministers here and myself, and I doubt not, the discussion will produce a favorable effect. I shall certainly avail myself of all the lights within my reach, to do justice to a cause of so much importance to my country.

Upon some misunderstanding with the directory, Pichegru has sent in his resignation, and obtained his dismission; an event that must be deemed unfortunate to the republic as such, 736 a most, a man of great talents and integrity. Claris has done the same thing with the Emperor so that the account of folly between the two Governments is fairly balanced.

The finances here continue in derangement, and which is not likely to be remedied by a late act, calling in the assignats. Those have suffered too much in their distrust, and call markets, founded on the national domains, with the right in the holder of that paper to take property for it, where he likes, and where he pleases, at the ancient value. This project resembles a bank whose stock consists of, and whose credit of course depends on, land; and which, as it never succeeded well in the lands of individuals, will, most probably, never succeed well in the lands of the public.

I herewith transmit you extracts of two letters lately received from Mr. Barlow, and which I do with a view of giving you every information that comes to my knowledge upon the interesting topic on which they treat.

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Mr. Monroe to the Secretary of State.

PARIS, May 9th, 1796.

I informed you in my last, of the 25th of March, that I was surprised by the directory, in an audience I had obtained of that body, that the minister of foreign affairs should state to me such objections as were entertained by this Government, to certain measures of our own, and, in the interim, that no step should be taken, under the existing impression, nor until my reply was received, and fully weighed; and I have now the pleasure to transmit to you the result of the communications which took place between the ministers here on myself on that subject. Claris has done the same thing with the Emperor so that the account of folly between the two Governments is fairly balanced.

The campaign was lately opened on the side of Italy, by a suite of three brilliant victories obtained in the space of a few days, by the French under Bonaparte, over the Austrians, commanded by General Drouet, which, in the latter lost, in slain, about five thousand men, and in prisoners, between eight and ten thousand. The road is now open to Turin, whither it is thought the French are pressing. On the Rhine, however, the armies are still inactive; and some persons conjecture that a negotiation is still depending with the Emperor, and will, doubtless, if such is the case, be essentially aided, on the part of France, by these late victories. The Vendée war was lately greatly checked, to say no more, by the total dispersion of the troops gathered there, in opposition to the Government, and the apprehension and execution of Charette and Stofflet, the two principal chiefs who herebefore headed it; and subsequent confinements of the rebels of my own countrymen were such as to explain at least, that it was at any preceding period, since it began. But such has been the varied fortune of that extraordinary war, and so often has it revived after it was supposed to be totally extinguished, that appearances, however strong, are not to be too much confided in, nor can it well be pronounced at an end, until the Revolution itself is closed.

I send you herewith an extract of a letter from Mr. Barlow, from Algiers, just received, and which will, perhaps, give you the latest intelligence from that quarter.

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Mr. Monroe to the Secretary of State.

PARIS, May 25th, 1796.

Since my last, of the 32d instant, I have heard nothing from this Government upon the subject communicated to you by the Minister of foreign affairs; and which you, at the request of the President of the Directory, asked him to communicate to me in his own name. I have, however, received, from the other minister, papers, which, with the other documents, I have transmitted to you, and which, as shown by the papers transmitted in my last. Nor have I understood, through any other channel, that any decision is taken on that subject. I flatter myself, therefore, that I shall hear nothing further on it. As yet, however, no successor is appointed to Mr. Adet, according to his own request; and who remains, of course, the locum tenens until one is appointed. I mention this circumstance, because as such an appointment was so long delayed, when that discussion commenced, and was probably delayed by it, so nothing can be satisfactorily inferred, at least for the present, of the final decision of the Directory, upon the topic in discussion, until that of the appointment is likewise resumed in another case.

I was lately favored with yours of the 7th of January, communicating the correspondence which took place between the President and the minister of France, when the latter presented the flag which was voted by the Convention; as likewise the resolutions of both Houses of Congress on the same subject, with the letter of the President to the Directory in consideration of the same, which letter desire you, doubtless, without delay, to communicate to me. Accordingly, the day after I received it I waited on the minister of foreign affairs, and presented the letter to him, with a request that he would deliver it to the directory as soon as possible; and to which communication I have since received the reply, of which I herewith send you a copy.

There was lately announced by the directory to the council of five hundred, the discovery of a conspiracy against the Government; whose avowed object was to overthrow the present constitution, and establish that of 1792 in its stead. The details furnished exhibit a project, which sought to marshal one description of patriots against another; the leaders in the innovating party, divided from the great body of the nation and offering as an allurement to the poor, and in support of their interests, the free pillage of the wealthy. Fortunately, however, the project was discovered in good time, by the directory, and crushed in embryo. What its real object was, who were its real authors, and how many were comprised in it, time will doubtless disclose. Perhaps the truth is that it was a project which five hundred, lately a prisoner in Austria, and who is accused of being a principal in it, will throw light on the subject in both views.

The discovery of this plot excited anew the jealousy of this Government against foreigners, some of whom were suspected of having an agency in it; and which subjected our counymen, as well on the subject of others, to severe trials. The foreign ministers were, in consequence, called on for a list of their countrymen here, with the business of each respectively; which I have given, and by which, I presume, permission to remain will be obtained for all those who are American citizens.

The success of the French troops in Italy, whereby the Austrian and Sardinian armies were completely routed, in several severe conflicts, and with great loss to the Austrians, has already obtained for the republic a very advantageous peace with Sardinia; by which the king has not only abandoned the coalition, but ceded forever to France Savoy and Nice; and even put himself in effect, for the residue of the war, under the protection of the French republic. The papers forwarded will give you the details of this event, as likewise of the provisional treaty which ensued with
Parma. It is generally admitted that the road to Rome is opened; and said, that the Pope is so sensible of this, that he has offered to the directory, among other inducements, to use his apostolic authority to appose the discontent in the Vendée, and reconcile the disaffected there to the republic, in case they will spare him, for the present, the honor of a visit. A minister of the directory has been received from Naples, so that it is probably some adjustment will likewise soon be made with that Power. Beaulieu, with the residue of the Austrian army, has retreated beyond Milan, to the heights between the lake De Garda and Mantua, a strong position, and noted as being formerly occupied by Prince Eugene; whether, too, he was pursued by Bonaparte, who now keeps him in check, or rather avoids a contest with him, efforts are making by both Governments, to send to both their armies reinforcements; so that, perhaps, until they arrive, the final fate of those armies will not be settled.

I enclose you some letters just received from Mr. Barlow, at Algiers, and am, &c.

Mr. Monroe to the Secretary of State.

PARIS, June 12th, 1796.

I have the pleasure to inform you, that in a late informal conference with one of the members of the directory, I was advised by him, that the directory had done nothing in regard to us, upon the subject communicated to you in several of my preceding letters; and that he presumed they would do nothing upon that subject. I trust, therefore, that their counsels are thus settled upon this interesting topic, and that I shall hear nothing further from them on it. Should they take a different turn, of which at present there is no particular symptom (for the probability of such a course was greatest in the commencement, and whilst the first impressions were at their height) I shall not fail to apprise you of it, and without delay. As yet no successor is appointed to Mr. Adet; nor can I say what the intention of his Government is in that respect. I presume, however, upon the authority of the above communication, that Mr. Adet could not have proceeded to the course of executing the power granted it by the decree, have authorized none to stay of any nation, for whose good conduct their respective ministers have not made themselves personally responsible. I could not discriminate between my countrymen, by admitting some, and rejecting others; but did every thing in my power to obtain an exemption for all. I have copied a letter that subject to the minister of foreign affairs, and to which I have yet received no official or definitive answer.

The truce was lately terminated by the Emperor, in the manner prescribed by the convention which formed it, which stipulated, that it should cease after the expiration of ten days, upon notice given by either party; and immediately afterwards the campaign was opened by the French, and with the same success, at least to a certain degree, as attended their efforts in Italy. In two rencontres between considerable divisions of the army of the Sambre and Meuse and the Austrians, on the right of the Rhine, the former have gained complete victories; taken in the first, (excluding the killed and wounded) about two thousand four hundred prisoners, and in the second, about three thousand, exclusive of the killed and wounded. In Italy, two new victories have been gained, and by which Beaulieu was forced to retreat through the Venetian territory to the Tyrol, leaving the French masters of that country. I send you the papers which give you the details, and am, &c.

The Secretary of State to Mr. Monroe.

This 4th day of October last, you predicted that if Mr. Jay's treaty should be ratified, it would excite great discontent in France. Early in November, you mentioned the arrival of Mr. Fauchet, extremely dissatisfied with the treaty; adding, that he was well received, and would therefore be attended to. On the 6th of December, you acknowledge the receipt of my letter of September 12th, written subsequently to the ratification of the treaty, to repeat and further explain the principles and views of the Government concerning it. Mr. Adet's objections to the treaty, and their refutation, accompanied my letter; and with such means in your hands—means amply sufficient to vindicate the conduct of the United States—not less regret than surprise is excited, that no attempt was made to apply them to the highly important subject for which they were sent. Although you anticipated discontent; although the symptoms of discontent appeared; although these symptoms, unattended to and unalayed, might increase to an inflammation; Mr. Fauchet's arrival, with all his dissatisfaction and prejudices about him, would assuage add to the irritation; yet you were silent and inactive, until, on the 15th of February, you were alarmed by the projected rejection of the directory, accidentally communicated to you by the minister of foreign affairs, of sending to this country an envoy extraordinary, to represent to our Government their decision concerning the treaty with Great Britain; or that they considered the treaty of alliance between us as ceasing to exist, from the moment the treaty was rati-
Mr. Monroe to the Secretary of State.

[1796.]

PARIS, July 24, 1796.

Sir: I herewith transmit you a copy of a third communication which lately passed between the minister of foreign affairs and myself, upon the subject of our late treaty with England, and which seems to have been produced by my reply to his second letter, which sought information whether the House of Representatives had passed laws to carry that treaty into effect. I presume, therefore, from this consideration, as from the further one, that the direc
toire now possesses our view of that subject, (which was my object in asking, and theirs in granting the discussion) that it may now be considered as closed.

You will perceive, in this my last reply, to divert this Government from the subject of this complaint, and which it so uniformly and vehemently pressed of late, by presenting before it a list of ours also, for injuries received from this republic in the course of the present war. The attempt, I knew, was a delicate one at the present time, and under present circumstances; but yet I thought it my duty to make it, since such a view was presented to me in the character of a right, and the possible source of this mischief, and the means of redress. But, in the course of that letter, it was not a little necessary to give some signal proof of it, and that it is impossible, even at this moment, to determine in what scale their councils will ultimately settle in regard to us. At one time it was whispered that they meant to bring for

ward a claim against us for all their property taken by the British, in our vessels, including what was taken in the flight of their emigrants from St. Domingo; at another, that they meant to suspend, for the present, all payments to our citizens, and until satisfaction upon their several complaints was obtained; and again, that they would suspend the operation of those articles in our treaty of 1778, which the minister intimated to me in his last letter the directoire thought it its duty to modify; but yet none of these things are done, nor have I any particular reason to pre

sume they will be done, other than what appears from the general temper of the Government, and of which you are already sufficiently informed. Upon the whole, therefore, I think I may venture to observe, that as this Government flattered itself with the idea of substituting a strong position in virtue of this was obviously mingled itself with its other motives in respect to these, and which is probably diminished by the time that was gained by the discussion, (admitting that that was the only benefit gained by it) the probability is, that no such measure will now be taken.

In general, it may be said that the cause of complaint was suggested to me, but in so indistinct a manner, and upon so pecu

uliar a subject, that I do not even yet comprehend what was meant by it. It was observed to me, by a person in a high station, the other day, when in conversation with him on the other points, that in our late treaty with Spain we had likewise forgotten our relations with France. I expressed my astonishment at the intention, and asked him in what respect, since I could not conceive to what he alluded, France having no territory in that quarter, and of course no rights or interests depending there. He replied, (at least so I understood him) that he did not mean to intimate we had committed a breach of engagements, but of friendship only. He then desisted upon the subject, and went to another point of our deliberations. In my opinion, the directoire is perfectly well aware of the goodness of the former, to support her colonies against Britain; but gave no explanation of what he referred to in the suggestion at first made, nor have I been able since to ascertain it. I will, however, endeavor to fathom this business if possible, and will not, as I succeed, immediately to send papers unworthy of the name. The Pope, I hear, has made a provisional agreement with the Turks, by which he is to pay about twenty-one millions, fifteen of which in specie, and the residue in articles for the army to give up one hundred pictures, the rarest pieces of art, three hundred manuscripts, and exclude the English from his posts. The King of Naples, too, has an envoy now on his way here, and, it is said, with authority to close
upon terms favorable to France. It is further to be observed, that the French have entered Leghorn, upon the principle that the English held it, or rather made it a place of deposite for all their supplies for Corsica and elsewhere, in that quarter; and had also violated the neutrality of Tuscany against France. In that part, too, much English property is damaged by the French, which they destroy with a wild and wanton madness. The English are greatly compelled to abandon the field, and seek safety by flight into the mountains of the Tyrol, crossed the Venetian territory, and, in consequence whereof, the French pursued them into Verona. Thus it appears, that no part of Italy can now well be said to be held in any respect secure. If they yield, they have lost, either, heavy contributions to its support, except, Naples, at the extremity, and who is now about to contribute, and Genoa, who loan money, I presume, voluntarily.

Upon the Rhine, too, the same success has attended the arms of France. Both her armies in that quarter, that of the Sambre and Meuse, under Jourdan, and that of the Rhine and Moselle, under Moreau, have each had several actions with the Austrians, and vanquished them in almost every instance. At one moment, indeed, and after gaining some important advantages, Jourdan retired; but, after a more potent enemy, and which brought about the loss of the Austrian troops at Wagram, he was again compelled to march, under the necessity of adverting his attention, elated with their apparent superiority, was drawn to that point, Moreau, who had been inactive, and even made a show of detaching a considerable part of his force for Italy (provision being made on the route for that purpose) crossed the Rhine also, at a very difficult passage, where it was expected no such attempt would be made, and attacked and defeated the Austrians in several encounters, killing many, and taking likewise many prisoners. Since this event, which was about three weeks past, these armies have gone forward slowly, but with a continued career of good fortune, acting in concert, though at a considerable distance from each other, and penetrating into the interior of Germany. The last achievement was that of Frankfort, and which was taken by Jourdan, and from which city, it is said, a contribution of thirty-five millions of florins is demanded. Where this bold enterprise will end, and to what extremity the French are disposed to press their fortunes, in case they are not repulsed, it is impossible for me to say. Nothing transpires from this Government upon that point, and of course we have no data whereon to rest a conjecture, other than our own impressions. It is, however, to be observed, that as the Austrian armies retire, they approach each other as do the French in advancing. Perhaps it is the intention of the Austrian cabinet they shall unite, in the hope, as they are now nearer together, and their junction may, in consequence, probably be sooner made than that of the French, they may, thus united, attempt something, and with better success, against the di- visions of their enemies; and it is even probable, that a series of decisive action has yet been fought. But it is still more probable, that peace with Austria, and upon the terms heretofore insisted on by France, will soon close the war between these two Powers.

The effects of the war, however, are more injurious to French interests than was shown before since the commencement of the Revolution. Great harmony prevails between the different executive corps and the exchequer; and a greater spirit of contentment is discerned by those who travel through France, among all ranks of people, than was seen at any time before since the beginning of that era. It is even said that a change is gradually making among those who were heretofore deemed the implacable foes of republican government; many of whom, now that they find they are protected in the rights of person and property, begin to lose much of their hatred to that form. In truth, prior to the establishment of the present constitution, the people of France had little opportunity of judging correctly of the merits of the republican system. They judged of it by what they saw in the Revolution: for Eu- rope exhibited no other example to their view, and estimating its merits by that standard, they saw in it nothing but a series of terrible and convulsive movements, which they dreaded even more than the tyranny that was lately overthrown. When, therefore, this circumstance is considered, and the improvement which the new Government has introduced is properly appreciated, we immediately perceive the cause to which this change of sentiment in that class is to be ascribed.

The misunderstanding which lately subsisted between Russia and Sweden, has been compromised by some conces- sions on the part of the latter, among which, the recall of Baron de Stael was included, and whose place was com- missioned the Swedish Government to Baron Rehnsky, with the grade of charge d'affaires; but the French Government refused to receive him, it is said, because he was presumed to be appointed under the influence of Russia. One of the ministers of Holland (Blauw) and Reybax, from Geneva, were also lately recalled by their respective Governments, upon the demand of the Directory, and apparently much against the wishes of those Governments; each of those gentlemen having since received assurance of the unanimous confidence of his constituents. The motive of the Directory for making this demand, in either case, is unknown; no reason, as I hear, being given for it to either of the Governments to which it was made. Permit me to make known to you the wish of Isaac Cox Barnett, a citizen of the United States, from Elizabeth- town (Jersey) to be appointed consul at Brest. This young man is well recommended to me in point of morality; appears to possess adequate talents, and from what I hear, is industrious; and being in every view strictly an American, and therefore entitled to the confidence of this country, I beg leave to recommend him to your attention. The French Government have lately proposed the points that were then in dispute, and, after being enabled, our complaints against that treaty have acquired since, in our estimation, new force. I will confine myself, therefore, in communicating the abridgment into details, to announce to you that the opinion of the Directory has never varied upon that point. It has seen in this act, concluded in the midst of hostilities, a breach of the friendship which unites the United States and this republic, one of those acts that are the most offensive to the inhabitants of the United States, an abandonment of that principle which subsisted between the two nations upon this point since their treaty of commerce of 1778. The abandonment of the principles, consecrated by this treaty, has struck us with greater force, from the consideration that all the other treaties, between the United States, and the French Republic, as from the further one, that these principles are in a manner acknowledged that they now form the public law of that country. After this, citizen minister, the executive directory thinks itself founded, in regard to the stipulations of the treaty of 1778, which concern the neutrality of the flag, as altered and suspended, in their most essential parts, by this treaty, and which it would fail in its duty if it did not modify a state of things which would never have been con- ceded to, but upon the condition of the most strict reciprocity.

CH. DE LA CROIX.
The Minister Plenipotentiary of the United States to the Minister of Foreign Affairs.

PAULS, July 14th, 1796.

I have received your favor of 19th Messidor, (7th July) and am sorry to find by it that the answer I gave to yours of 19th Ventose, containing the exposition of your objections to our late treaty with England, was not satisfactory to you. To this latter letter, therefore, I shall also make a reply, and in the hope that it will produce its desirable effect.

I observe that you confine your objections in this letter to a simple article in that treaty, which failed to secure protection in its bottom's to your goods; and which you deem a violation of a tacit agreement which, you say, has subsisted ever since the treaty of 1778 between that nation and France. This article does not appear to me, or how it ever was, or ever can be, consecrated by that treaty. You likewise say, that the directory considers the stipulations of our treaty of 1778, which respect the neutrality of our flag, as altered, and suspended by this act; and that it would think itself wanting in its duty if it did not modify a state of things which would never have been consented to but upon principles of strict neutrality.

You seem aware, and with great reason, that you have no right to complain of that stipulation, unless it violates some existing obligation, either of the law of nations, or of our treaty with you; and in consequence intimate that it has not modified that treaty. How then, you ask, can we be charged with a violation of the law of all civilized nations. I shall endeavor to show that that article has violated neither the one nor the other.

I presume it cannot be controverted that, by the old and established law of nations, when two Powers are at war, either may take the goods of its enemy in a neutral ship. This doctrine is established by the most eminent writers, and admitted in practice by all nations, between whom particular treaties have not stipulated the contrary.

To prove this assertion, in its first part, permit me to refer you to the following authorities, and which are clear and explicit to that effect: and to prove it, in the second part, permit me to ask, if the law of nations was not, why were special treaties entered into by particular nations to stipulate the contrary? Is it presumable that any Powers would form treaties to establish what was already established? Or was it thought, when our treaty of 1778 was formed, that, in this respect, it made no change, or, in other words, stipulated nothing.

But you say that the law of nations has changed, and that the principles of that treaty have become since, in that respect, the general law of all civilized nations. Permit me to ask you by what authority the latter was or ever was so expressed; or how it appears that it is done? I admit that it is changed among those nations who have formed treaties to that effect, and between those who have so formed them but further the doctrine cannot be carried. It cannot be said, for instance, that the assent of a particular number of nations to a rule which ought to operate between themselves only, is a sufficient ground to substitute it for another. As to the opinion of nations, it may not be possible to say that they would have a right to dictate a law to another part. Such a doctrine would substitute force to right, and might be productive, in other cases, and especially in the hands of Governments less friendly to liberty than yours and ours. It is a doctrine, therefore, is of the most pernicious and pernicious doctrine. That Britain opposed the principle that free ships should make free goods in the last war, and has likewise suspended it in the present war, are facts well known to you; as it likewise is, that all your enemies, in the present war, have done the same, including some who are now your friends, and to the great detriment of America. Admitting, then, that the majority of the civilized nations, and the bar of Europe, have, to a rightful cause (as it is admitted the present one) how was it to be done upon the present occasion, when the Powers composing that majority had shifted sides, and were now marshalled in opposition to the principle they had lately adopted.

Thus it appears that the article in question has not violated the law of nations, according to the opinion of eminent writers, and admitted in practice by nations. Nor has it violated our treaties with France, upon which latter point I shall also add a few words:

It is to be remarked that you do not urge a violation of any positive stipulation in our treaty of 1778; on the contrary, you charge only the breach of a tacit agreement, which you intimate to have grown out of that treaty. But of what nature was that agreement, and whence it is inferred? The treaty contains an express stipulation, between America and France, that, when either of the parties are at war with another nation, it will respect the flag of the other party, trading with that other nation; and it stipulates no more in that behalf. And its reciprocity is to be found in a change of circumstances; whereby the party lately at war is now at peace, and enjoying in turn, (the other being at war) the privilege of its flag in trade with the enemy of the other. It does not stipulate that we will unite in imposing that rule on other nations; nor does it stipulate that we will adopt no other rule with any other nation.

Of course we were free to act, in that respect, as we thought fit; and therefore have violated, by never concurring with you in any implied stipulation that we should.

I concur with you, as I did in my last communication, on this subject, that the utmost respect is due to the principle of free ships making free goods; and with you I also unite in the hope that it will now become universal; since it is the basis upon which all freedom and happiness is founded, and which contains within it all the rights of mankind; the tranquillity of nations. The United States have, too, as you observe, inserted it in all their treaties where they could obtain it; and to which I may add, that they will most certainly continue to press it in their future treaties as opportunities occur; and circumstances may favor, till it becomes general. To promote which end, however, it is only necessary, I think, to observe, that an honest concord between the two nations is absolutely necessary; for otherwise it were impossible they should succeed.

You will observe, that, in my reply to your complaints, I have heretofore confined myself strictly to the subject of those complaints; never going beyond them, to expose in return the injuries we have received from this republic, in the course of the present war.

But I might have told you in the outset that, by a decree of the Convention in 1791, the articles of our treaty of commerce were set aside; and, in violation whereof, about fifty of our vessels were brought into your ports; their cargoes taken from the proprietors, and who yet remain unpaid; that, about the same time, and without any cause being assigned, two of your vessels, upwards of eighty others of our vessels were embargoed at Bordeaux, and detained there for more than a year; and to the great injury of the proprietors, who yet remain unpaid; that, for supplies rendered to your islands in the West Indies, which have been accepted in full payment, respectively, by the United States, as for innumerable spoliations that have been made, and which, daily make upon our public revenue. In like manner, you have extorted from us immense sums due to our citizens, as authenticated by the highest suitable public authorities there and here, and for the want of which many of them are ruined. I say I did not bring these things forward, because it would have borne the aspect of a reciprocation, and which I did not wish any part of my conduct to bear in any transaction with the French republic; and because I was disposed to yield every possible accommodation to your present exigencies that my duty would permit; and because I confided and still confide that your Government, paying due regard to those exigencies, was disposed, and would do all the justice in its power to those suffering individuals. Such notifications with which I was acquainted, I did not communicate to you, for I thought it best, that as the communications that were made on the topics, were made to the preceding Government, and are, in consequence, probably unknown to the present one; and since they are interesting facts which you ought to have before you, I thought it my duty to inform you of them. I think there cannot be a better motive why both republics to preserve, for ever indifferent, the good understanding which now so happily subsists between them.

For what has passed the United States have always found an excuse in that unhappy state of things that was attendant on your Revolutions and have looked forward to the period, when a free and happy constitution should be established in your Republic. Such a period you have now arrived at, and France, with the rest of the world, is moistened with joy at the prospect of it; not in a painful review of any unpleasant incidents that have passed, if such there were, but in deeming the means

founded in their mutual interest, and to be secured by suitable and permanent arrangements, whereby to increase their harmony, and cement their union; and greatly mortified would they be if this were not the case. But I trust this will be the case; and under which impression, and upon the observation already made, I submit the subject now in discussion between us to the wisdom and candor of the directoire executif.

Mr. Monroe to the Secretary of State.

PARIS, August 4, 1796.

Sir: Within a few days past, Mr. Mungour, formerly consul at Charleston, now secretary of embassy in Spain, was appointed with the rank of charge d’affaires, to succeed, with us, Mr. Adet. This event, as well in respect to the gentleman employed, as the grade chosen, gave me great concern; and therefore merited my immediate attention. Accordingly I visited the minister of foreign affairs this morning, and remonstrated earnestly against the mission of Mr. Mungour to the United States; as a person who, having given evidence of our government upon a former occasion, could not be well received by it upon the present one. To the grade, however, I thought it right to protest; for I could make no explicit objections; because I had no reason to conclude that it was chosen with any unfriendly view towards us; and because I presumed that if the measure was broken in one part, it would probably be so in the other. The minister replied, that he did not apprehend any objection; and not being much disposed to believe that, in case any change was accorded in the measure, it would not be with his consent. He observed, however, that if I would write him a short note on the subject, he would lay it before the directoire; and which I promised I would do.

Within a few days past, too, I heard that the directoire had passed an arrêté, authorizing the seizure of neutral vessels destined for England; to take effect when the English likewise seize them. This arrêté was not announced officially; but by the order of a letter from the minister to Barthelemy, the French ambassador at Basle, published in the gazettes, I saw that the report was true. In consequence, I likewise spoke to the minister on this subject; and received from him, in reply to me, the same assurance, that my letter above mentioned, a copy of which I herewith enclose to you.

It is said that the treaty of alliance, offensive and defensive, between France and Spain, is in great forwardness, whereby the latter cedes to the former Louisiana, and perhaps the Floridas. I have no authentic information of this; but the source from whence it came is of a nature to merit attention.

I have the pleasure to transmit to you herewith, some communications respecting our affairs at Algiers, by which it appears that Mr. Barlow had the good fortune to succeed with the Dey, in prolonging the term allotted for the payment of the sum due him, concluded by our late treaty for the ransom of our prisoners, and for peace; and, finally, and although the money was not received, that he had obtained the discharge of our prisoners, and who were fortunately arrived safe at Marseilles. Upon this event, therefore, which not only liberates from a long and painful captivity so many of our countrymen, but in all probability secures the peace which was endangered by the delay of the money stipulated to be paid, I beg leave to congratulate you; since it is an event of only importance in respect to the consolation which it yields to humanity, but equally so in regard to the extension and security of our commerce, in a region of the world heretofore unexplored by it, and where it promises to be very productive.

I commit this letter, with other communications, to the care of Doctor Edwards, who will deliver them in person, and to whom I beg to refer you for other details upon this subject of our affairs here, and our wishes in respect to your wishes. I am, &c.

Mr. Monroe to the Secretary of State.

PARIS, August 15th, 1796.

Sir: Being highly impressed with the impropriety of Mr. Mungour’s mission to the United States, and, in consequence, grieved to see it, I felt it my duty to state my objections to it in person, to a member of the directoire, with a request that he would communicate the same to the directoire; and have now the pleasure to inform you, upon the authority of that member, that the arrêté appointing him is rescinded.

I lately received an account from England of the capture of one of our vessels upon our coast, on the point of entering one of our harbors. It was a French man-of-war, supposed she had English property on board, as she was cleared out from that country. Although this report was not so well authenticated, nor accompanied with the necessary details, to enable me to act officially upon it, yet as it might be, and probably was, true, I communicated it immediately to the minister of marine, asking whether such orders were given. He appeared astonished at the report, and declared that none such were issued. I conclude, therefore, that this outrage, if really committed by the enemy, was unauthorized one; and for which we shall obtain from the proper parties, in convenient time, a suitable reparation.

The French troops continue to enjoy an uninterrupted career of good fortune, both in the empire and in Italy. In the former, they meet with little opposition; for, as they have a decided superiority there, the Austrians appear in consequence carefully to avoid a general action; and, therefore, retire slowly before them. And in Italy, a series of victories were lately obtained by Bonaparte over Wurmser, which are deemed more brilliant than even those he had before achieved over Beaulieu, Wurmser’s predecessor. To protect the garrison of Mantua, and retrieve the fortune of Austria in Italy, a considerable force was detached from the Rhine, with other troops gathered from other quarters, under Wurmser, and who, passing the Tyrol, descended into Italy, and attacked Bonaparte, and in the commencement with some success. But this reverse of fortune was transitory as it was sudden; for as soon as the latter gathered his antagonist with accumulated forces; and, in the course of a few days, as appears by the official documents, totally demolished his army, killing and taking upwards of twenty thousand men.

It is lately reported that Mr. Hammond is appointed to repair here to treat for peace; but as yet he has not arrived, nor have we other details on that head than are now in the English papers. With, &c.

The Secretary of State to Mr. Monroe.

DEPARTMENT OF STATE, August 20th, 1796.

Sir: On the 19th of July I received your letter of the 9th of last May, covering the paper bearing date the 9th of March, and signed by M. De La Croix, the French minister for foreign affairs, in which you mention the complaints of his Government against the Government of the United States, and your answer to those complaints; and on the 1st of July, the latter, together with a translation of the minister’s statement, were transmitted to the President at Mount Vernon.

Antecedent to the receipt of this letter, the President had conceived it necessary to send a new minister to repre- sent the United States at Paris, and had made a tender of the appointment to General Charles Cotesworth Pinckney, of South Carolina, and a letter of the 19th instant from the President, which I received the 19th, covered Mr. Pinckney’s letter of the 27th of July, declaring his acceptance of the office. He may be expected in Philadelphia by
the close of the present month; and he will embark for Europe as soon after as shall be practicable. My letter of the 13th of June (of which a duplicate and triplicate have been forwarded) will have manifested to you the unreasonableness and dissatisfaction of the President, and the cause of both will be apparent in the letter itself.

The President, feeling forcibly the obligations of his office to maintain the honor and interests of the United States, in relation to foreign nations, and our connexions with France, in particular, demanding, from various causes, the most constant and pointed attentions, to prevent or remove jealousies and complaints it was impossible to conceal, it was a duty to express his sentiments consequent on the receipt of your letters of February 16th and 20th, and March 10th and 15th. A further consideration of these communications, with other concurrent circumstances, determined the President to make the appointment in question. Mr. Pickering will be the bearer of your letters of recall. To enable him to accomplish the objects of his mission, he will require all the official documents in your possession, including your correspondence with the French Government as well as with your own; and, according to the usual and necessary course of diplomatic agencies, you will be pleased to transfer them to him.

I am, &c.

TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, August 27th, 1796.

SIR:--

After the accommodation which was shown in the case of Mr. Munro, by abandoning the project of sending him to the United States, I thought that the crisis had passed here, and that nothing was further to be apprehended from the temper which occasioned it. But this I was disappointed; for I now hear that it is decided to recall Mr. Adet, without nominating a successor to him; and that he is to be instructed to declare to our Government, that the customary relations between us are to cease, and on account of our treaty with England; with other things to the same effect.* * * I shall see the minister to-morrow, and endeavor to lead him to this subject, if possible, and, in my event, renew my exertions to prevent the measure, though, indeed, I begin to despair of success, so often do they return with the same disposition to the same subject.

I am told the treaty with Spain is probably concluded; and by which France is to have Louisiana and the Floridas. This might not have been objected to, but it was made the occasion, which is now, undoubtedly, by the fear, that it might ultimately embroil them with us. The acceptance of it now, therefore, shows that that motive has less weight at the present time than it then had.

It is generally believed that an attempt will be made to invade England, great preparations being made along the coast for that purpose, in troops, boats, &c. and it is also believed that the fleet from Cadiz is intended to make a diversion somewhere, for the purpose of drawing the British fleet out of the channel, to favor the project of a descent. This is strongly supported by circumstances, and, is, therefore, more probable.

It is even whispered that an attack on Canada is to be made, and which is to be united with Louisiana and the Floridas to the south, taking in such parts of our western people as are willing to unite. This is your worthy attention, though it be mere report.

I will write you again in a day or two, since this is despatched in haste on account of the importance of the communication which it contains.

The Secretary of State to Mr. Monroe.

DEPARTMENT OF STATE, September 8th, 1796.

SIR:--

General Pinckney will be the bearer of this letter. He is to succeed you as the minister plenipotentiary of the United States with the French republic.

I enclose a triplicate of my letter to you of the 23d ultimo, in which the motives to his appointment are suggested. I also enclose your letter of recall, addressed to the directory of the French republic, and a copy thereof for your information, of the manner in which the President wishes you to take leave of that body.

The claims of the American merchants on the French republic are of great extent, and they are waiting the issue of your instructions, in which you are requested to look into this business, in which the serious interests, and, in some cases, nearly the whole fortunes of our citizens are involved. You will have the goodness to communicate to Mr. Pinckney such general information as may facilitate his inquiries concerning it, and hasten a successful conclusion.

I am, &c.

TIMOTHY PICKERING.

Mr. Monroe to the Secretary of State.

PARIS, September 10th, 1796.

I have been just favored with yours of the 12th of June, the only one received from the Department of State since that of the 7th of January last, a note of Mr. Taylor of the 13th of May excepted.

You charge me in this letter with a neglect of duty, in omitting, as you state, to dissipate, by a timely, and suitable application of the lights in my possession, the discontent of this Government on account of our late treaty with England; and you support this charge by a reference to certain passages in my own correspondence, which state, that this discontent broke out in February last, four months after I had received a letter from yourself and Mr. Randolph, upon the subject of that treaty; and whence you infer, and on account of the delay, or interval which took place between the one and the other event, that I was inattentive to ameliorate the disagreeable circumstances, to remove them, and urge the previous and strong symptoms of discontent, which I witnessed and communicated, as an additional proof of my neglect.

Permit me to remark, that this charge is not more unjust and unexpected than the testimony by which you support it is inapplicable and inconclusive. Indeed, it was easy to show, that the circumstances on which you rely, if they prove any thing, prove directly the reverse of what you deduce from them.

If such discontent existed, and the formal declaration of it, or commencement of measures in consequence of it, was not made (and the greater the discontent, and the longer the delay, the stronger the argument) and any influence applicable to me was drawn from that circumstance, I should suppose it would be precisely the opposite one from that which you draw. Where a discontent exists, it is natural and usual for the party feeling it, to endeavor to remove it, or express its sense of it but the pursuit of an opposite conduct, for a longer length of time, and especially a time of revolution, and when a different and more pernicious one was observed to all the other Powers, is no proof, without other documents, of negligence in me.

But why did this discontent not break out before these letters were received? You saw by my communications, as early as December 1794, and which were frequently repeated afterwards, that it existed, was felt upon our affairs here, and was likely to produce the most serious ill consequences, if the cause continued to exist. If these accounts were correct, why did this Government take no steps under its first impressions, and particularly in August 1795, when Pinckney was dwelling, and our vessels destined for the ports of France were seized and carried into England? Was not this a crisis difficult for me to sustain here when the eyes of France were fixed upon me, as the representative of the nation upon whose friendship they had counted; as the man who had just before been the organ of declarations the most friendly? Why leave us afterwards, and until the last stage, to our unbiased deliberations upon
that subject, and without an effort to impede their free course? Do difficulties like these, with the result which followed, give cause to suspect that I was idle or negligent at my post? That I was at any time a calm or inconsiderate spectator of events, and which through my inactivity injured my country? Or that I withheld any light which came to my aid, and which might be useful in dissipating it?

I do not wish to be understood as assuming to myself the merit of this delay, because I know, thinking and feeling as I do, that I was never engaged in any strong bias against the person, cause, and interest of my country. This was the true cause of it. But I well know, that I have done every thing in my power, and from the moment of my arrival to the present time, to promote harmony between the two republics, and to prevent this from taking any step which might possibly disturb it, and which I have done, as well from a sincere attachment to both, as from a personal regard to my country. I believe that what they made me Oath, as a condition of my conduct towards them, was the wisest policy which this Government could adopt, and would produce the best effect upon union, which it is. I presume, equally its wish and its interest to preserve, and of course leave to its constituents to judge of the sincerity of this representation, and if Government had of it, that I have incessantly made efforts to preserve that harmony, and been heard in friendly communications, and often in remonstrance upon the topics connected with it, in a manner I could not otherwise have expected.

But you urge that, as I knew this discontent existed, I ought to have encountered and removed it. I do not distinctly comprehend the extent of this position, or what it was your wish, under existing circumstances, I should have done. Till the 15th of February, no complaint was made to me by this Government against that treaty; nor did I know before that period that any would be for, from the moment of its organization till then, the utmost reserve was observed by me to it on that subject. The intimations which I witnessed, were written before the establishment of the present Government, and drawn, of course, from circumstances which preceded it. Of the probable views, therefore, of the present Government in that respect, I spoke only by conjecture. Was it then your wish, that, because I suspected this Government would or was discontented with that treaty, that I should step forward, invite the discussion, and provoke the attack? Would it have been politic or safe for me to do it; and especially upon a subject so delicate, and important as that was? And had I done it, would I not have been justly accused of my rashness and indiscretion? And might not even different motives have been assigned for my conduct? To me it appeared, that always appeared most suitable, as well as most wise, to stand upon the declared and decided answer objections only when they were made; upon a fair and reasonable presumption, till they were made, that none would be, and upon the principle, if none were made, that our object was obtained; and if there were, that then there would be sufficient time to answer them, and in a regular and official manner. By this, however, I do not wish to be understood as meaning, that in communicating on this, or other subjects, when suitable occasions occurred; for the contrary was the case, as already observed.

What the circumstances were, upon which I based my opinion of the probable ill consequences of that treaty, in the beginning of the year was, as they occurred to me, that there was no public communication which was particularly impressive at the time, omitted then, but which I now think proper to add, because it was that upon which I founded the intimation given you, in my letter of the 20th of October, on that head. Calling one day, upon the subject of our Algerine affairs, informally, upon Jean de Bre, who had, in the committee of public safety, the American branch under his care, I found him engaged upon that treaty, with a copy of it before him, and other papers on the same subject. I began with the object of my visit, and from which he soon digressed upon the other, and with great asperity; adding, that he was preparing a letter for me on that subject, to be submitted to the committee. I answered his charges in the manner which appeared to me most suitable, and of which I doubt but that he had not approved, though I think he approved of that between Mr. Adet and Mr. Randolph; and to which he replied that he had not. I then informed him I had that correspondence, which was an interesting one; and requested he would permit me to give him a copy of it; and further, that he would delay his report to the com-
mie of public safety, he had been busied and fully engaged on it, and he was about to communicate it. He was prepared to give me a copy of that correspondence. This incident took place just before the movement of Vendémiaire, by which the execution of the project contemplated was probably prevented. I omitted this before, because I hoped it would never be revised; and because I did not wish to give more pain on this subject, and especially as I soon afterwards found that the treaty was generally that to be avoided. And I now mention it, as was, I think, the strong ground upon which that intimacy was given, as to prove that none of the lights furnished me, in that respect, were withheld.

So much I have thought proper to say in reply to your favor of the 13th of June; and now it remains for me to proceed with detail of the further progress of this business here, since my last; at least so far as I am acquainted with it.

I sought, immediately after my last was written, and obtained, as soon as possibly could obtain it, an informal communication upon the subject of the treaty mentioned last, expressing my doubts about the legal and moral right of the parties, who had to hear them were still dissatisfied with us, and proposed taking some step in consequence thereof; and which I sincerely regretted, because I had concluded the contrary was the case, after the explanation I had given to their several complaints; and because I thought any measure which had an unfriendly aspect towards us, would increase the difficulty of our operations. They were, perhaps, more anxious for the non-achievement of our treaty with England, and thought that the honor of their country would be sullied in their hands, if they did not say so. I endeavored to lead them into conversation upon the points to which they objected; but soon found they were averse to it, and were of opinion that much time had already been bestowed on that subject. One of the members, however, observed, that the abandonment of the principle, that free ships made free goods, in favor of England, was an injury of a very serious kind, and which could not be passed by unnoticed. I told him, that in this nothing was abandoned, since, by the law of nations, such was the case before; and, of course, that this article only delineated what the existing law was, as I had fully proved in my note to the minister of foreign affairs, that we were not bound to impose the new principle upon other nations. He replied, if we could not carry that principle with England, nor protect our flag against her outrages, that was always a reason why France should not complain; that they never asked us to carry anything, but to abandon the principle, and to abandon it at the rate of time, and under the circumstances we did it, in favor of that Power, was quite a different thing. Finding that the pressure at the time might produce ill effect, and would certainly not produce a good one, I proceeded next to the other points, and to hints what I had heard of their intention with respect to Canada and Louisiana; and to which it was replied, that, in regard to Canada, they had no object for themselves; and in regard to Louisiana, none which ought to disquiet us; that they sincerely wished us well, and hoped matters might be amicably adjusted, since they were disposed to meet suitable propositions to that effect with pleasure; adding, in the close, that the minister of foreign affairs was instructed to communicate to me the arrest they had passed; but in a manner to impress me with a belief that it was not intended to arrest our flag, or to transmit any hostile communications upon the subject. Through other channels I have since heard, that this arrest is withheld from me, and will be, until the despatch is gone; and with a view of securing themselves against further interruption from me, in the present state of the negociation.

From what information I can collect of the contents of this arrest from other sources, (for from the above note was collected,) it is to suspend Adet's functions; instructing him to declare the motive of it; and which I, presume, will correspond with what was declared here, leaving him there for the present; but what he is further to do is not suggested. I shall endeavor to obtain the communication promised by the minister of foreign affairs, and which I shall endeavor to procure as soon as possible.

I herewith enclose you a copy of a communication from the minister of foreign affairs, with my reply to it; and by which it appears that a truce is obtained by our agent from the regencies of Tunis and Tripoli, with the aid of France.
As yet I have heard nothing from the minister of foreign affairs respecting the arrêté of the directory, mentioned in my last; and which I understood he was instructed to communicate to me. I therefore conclude that the delay is intentional; and that I shall not hear from him until the despatch is gone; and after which it will be useless. Indeed, the minister seemed to be of a tight at present, and for reasons heretofore communicated, which every day further experience more fully confirms.

But, being extremely anxious to fathom the point, whether this Government intended any thing really hostile to us, beyond what it calls a reprisal for our treaty with England, or indemnity against its consequences; and, in particular, whether it had been the design, on any occasion it is presumed the目录 has been kept, by the Directory, in close correspondence with the people to a junction with them, and thus eventually dismember us, in case they were willing. I lately revived a conversation mentioned in my last, with a member of the directory, leading it more directly to this point, than I thought at first I could obtain from him the answer I desired. He told me explicitly, they had no object with respect to Canada for themselves, but that they were resolved to separate from the plans that they were anxious about Louisiana, and if they took it, it would be only in case of a war between Spain and England, and then the principal motive would be to keep the British from it, who would doubtless endeavor to avail themselves of such an occasion to either extend or dismiss an alliance; and that it was not necessary to consider it as a case in which there would not exist, in the breast of a member of the Government, an intention or wish to disturb it; that they would take no step they did not avow to our Government, and that therefore we need harbour no suspicion of designs from them, beyond what they did avow.

I have likewise obtained information from other, I think authentic, sources, upon this point, and by which I am the more confirmed in the integrity of the above communication. In short, I am satisfied no such project exists at present, either on the part of this Government, or the Western people of the United States; and that what has been whispered on that subject, is either the imagination of slanders originating, perhaps, with those who wish, or the offspring of fancies too much agitated with the danger of the present, or the year 1796, period. The periodic attack for the pernicious tendency which an unfortunate and disastrous negotiation had upon our affairs in that respect, till our late treaty with Spain, we were always, in a greater or less degree menaced with this misfortune; but, by that treaty, the source was removed; and now that double and every part of the Federal empire, there appears to be nothing in the political horizon which clouds the prospect before us, or which ought to inspire a doubt that our Union will not be perpetual. By this, however, I do not inculcate an opinion, that we ought to be over confident of our security upon this or any other point, or inattentive to the measures of preserving it. I should think this to be the case; in the present one, therefore, a greater degree of vigilance is of course the more necessary.

An order was lately issued, as I have reason to believe, to seize British property in neutral vessels; and to bring those vessels into port for that purpose. I did hope, and, indeed, understood at first, that the arrêté of the directory, was provisional, and intended to be applied only to such cases of British seizure, as occurred last year; and such I think was the case at first. But now it is said it is modified as above. I have written to the minister to demand an official information upon this point; and, in the interim, have communicated the fact, as I understand it to be, to Mr. King, to whom the information may be useful.

I send you a copy of the treaty of alliance, offensive and defensive, between France and Spain; and which, as you will observe, contains no stipulation respecting Louisiana and the Floridas. Nor have I any reason to conclude that there is anything in that treaty, or any other article on that subject. I rather think, from what I can collect, that it is a point still in negotiation between those Powers, and that any arrangement with regard to it, if an agreement can be arrived at, will be the result of the operations of time; and which whose decision upon it may be essentially influenced by the relation which is to subsist, for the future, between this country and ours. If this relation is established upon the close footing they wish it, then I think it probable (should the Directory, as it has been represented, in its present state, be restricted) that some part will decline accepting it, from the fear it might prove a calamity to ours. This is the subject of jealousy between us, and weaken that connection. But, should the contrary be the result, then I think they will act otherwise, and endeavor, not only in this respect, but by every other practicable means, to strengthen their own resources, and to make themselves as independent of us as possible. Upon this subject, however, I never touched with them, nor do I hazard a conjecture as to other than general circumstances already known to you.

Jourdan was lately compelled to retreat through a considerable tract of country, being defeated, as I presume, (for the details are unknown) in several severe actions, and encounters, and doubtless with great loss. He is at present in the middle of his army in the Liegnitz, where he occupies a strong position. And it is, however, on his route from Holland, at the head of twenty-five thousand men, to join, and, as it is reported, to supersede him; it being a maxim of this Government to remove, and without delay, every unsuccessful general, upon the presumption that the spirit of the troops cannot be well revived under the same person with whom they were defeated. He writes that the French are in good heart and high spirits, after a brilliant victory obtained over Wurmser, in the Tyrol, if possible, than the former one; having actually taken sixteen thousand prisoners, about seventy cannon, with all kind of military stores, and completely broken the army he had lately commanded them.

The march of Beaumontois from Holland argues a secret understanding between the directory and the King of Prussia; and the late treaty between France and Spain, almost the certainty of a war between the latter and England.

An attack was lately made upon a camp near Paris, consisting of six or eight thousand men, by about as many hussars; and in which the latter were repelled, many of them taken prisoners, and who are now under trial by a military commission. Of those upon whom sentence is pronounced, some were condemned to capital punishment, which was immediately executed; others to transportation, and some to confinement in the residuum, which constituted by far the greatest part, were acquitted and discharged. This enterprise was undertaken by a party who wish to overthrow the Government, or rather, who imagine they could not expect to overmarke the (Government) and whose ostensible object was to establish the constitution of 1793. The presumption, too, is, that it had favorers in the camp, or that it would not have made an attempt on the camp; but of this there was no proof that I know. This enterprise was repulsed, and the consequences of the same, by the Directory, by the same active, though invisible agents. To the details of this trial we must look for a more accurate development of the character of this affair, than can be obtained, at present, from any other source.

In general, the people of this country are armed with the war, but yet there are no symptoms of an approaching peace with the Emperor, or with England. The directory, it is said, wishes peace, and upon reasonable terms; but of this I have no information to be relied on. The state of the finances, too, must be bad; indeed, it is inconceivable how three or four hundred thousand men, the minimum, in my judgment, of the French, force on foot, with the expenses of the civil Government, the colonial establishment, and the navy, are sustained; not making mention of the additional expense, of which, however, in addition to which, it may be observed, that the occasional sales of the national domains, and the various taxes which are collected, might likewise form a considerable resource. The conflict of parties also in the two councils is often great. The fact is, that these councils are not only a body of counsellors, but, by the Directory, to which neither had a hand, the execution of its functions was committed to the opposite one. The former party, therefore, was dissatisfied with this event, and looks forward to the approaching elections as a period when it will be possible to have the power it then lost. To this period also the rivalists look forward. The question is, whether it will present an opportunity, favorable to their interests, in the distant six months, and though a circumstance in perspective, worthy of attention in a sound calculation of the probable ultimate issue of the revolution yet, perhaps, too remote, and even too trivial, considering the immediate and urgent pressure of other causes, to have much influence with either of those Powers, and especially the Emperor, in deciding him at present, upon the subject of war or peace.
Mr. Monroe to the Secretary of State.

PARIS, October 6, 1796.

I enclose you a copy of my letter to the minister of foreign affairs, demanding whether orders are issued for seizing the property of their enemies in our vessels; and to which I have yet received no answer. I am confident, however, those orders are issued, being assured of it through other channels, apparently too direct to admit any doubt of the fact.

I enclose you also copies of three notes from him, and of my replies; the first two of which respect the judicial process sustained in one of our courts against Governor Collot, late of Guadaloupe; and the third, a report said to be circulating here, that the President had laid an embargo on all French vessels in our parts. These communications contain every thing that has passed between this Government and myself, since my last; and, of course, every thing that I can now add to what you have already received.

The army of Sarthe and Meuse has retreated to the Rhine, where it was met by twenty thousand men from Holland, under Bourrunville, to whom the chief command is transferred. The reports of the loss sustained by this army are various; some accounts make it twenty thousand, whilst others reduce it to six, but, in my judgment, the former appears nearer the truth; great part of its artillery must likewise have been lost. The retreat of this army exposed the other, of the Rhine and Moselle, under Moreau, to danger from which it is not yet extricated. It is known that this latter is also on the retreat, and the Archduke is now bending his force towards it. Some accounts say that Bourrunville will be able to co-operate, as to give effectual aid, but which is denied by others. At the present moment, therefore, nothing certain can be given you of the actual state of that army, or of what will probably result from it. In a short time, however, I expect to be able to be more full and explicit on this subject.

It is said that an English minister is at Dieppe, on his way here; and that a Portuguese one is in town, with a view, no doubt, on the part of each, to treat of peace.

Mr. Monroe to the Secretary of State.

PARIS, October 21, 1796.

I have lately received, from the minister of foreign affairs, the note I intimated to you, some time since, that had reason to conclude he was instructed to write me a copy of which, with one of my reply, I herewith enclose to you. I likewise send you copies of two other notes from him, and of my replies upon other subjects, and which are only deserving of attention, as they serve to show the actual disposition of this Government towards us at the present moment.

Upon a critical view of the note first above mentioned, it was doubted whether my functions were not likewise suspended with those of Mr. Adet; and I was disposed in consequence to ask an explanation on that head, but from this I was swerved by the following considerations. First, that it is most likely that they probably have been so expressed, and in explicit terms; Secondly, As it was not so expressed, that such a demand might tend to irritate and thereby widen the breach; and thirdly, That the same end might be obtained by the submission of one of my protests to the minister for legalisation, since it would tend to prove, in case he performed that office, that they were not suspended. Accordingly, I took this latter course, and now, so far as any inference was to be drawn from that circumstance, that it was not the intention of the directorate to suspend them.

This subject is now before the President upon the representation of Mr. Adet; and upon which, as I know nothing beyond what you now have, it is impossible for me to make any comment. He will express to you, in such a manner as he thinks most conducive to the honor, the interest, and welfare of our country; and, in the interim, and until I hear from you, I shall endeavor, and without a compromitment of any kind, to conciliate, so far as in my power, the good disposition of this Government towards us.

I send you a narrative, which contains an official account of the arrival of Moreau at Fribourg, after making a safe and honorable retreat through a great extent of country, and to which he was exposed by the defeat of Jourdan. He is now considered as out of danger. The army, too, under Bourrunville is said to be reorganized, and in considerable force, so that it is possible, notwithstanding the late season of the year, something further may be done, and especially if the Archduke, by advancing, courts a new encounter.

Yesterday the English minister arrived; but what the prospect of peace is, there is no datum whereon to hazard a conjecture.

The Minister of External Relations to the Minister Plenipotentiary of the United States of America.

PARIS, 16 Vendémiaire, (Oct. 7th, 1796)

5th year of the republic.

Citizen Minister:

The executive directory charges me to notify to you the suspension of all the functions which it has prescribed to the minister plenipotentiary of the French republic new the United States. It charges me, likewise, to communicate to you the arrest of, of which I have the honor to send you a copy, and agreeably to which our ships, armed for war, will treat the United States, as these suffer the English to treat them.

The first step, citizen minister, does not need to be commented on. My despatches of the 19th Ventose, and 19th Maissonier last, and more especially the events which have, for some time past, followed each other in the United States, sufficiently explain its motives.

Citizen Adet will enter with the Federal Government upon further explanations, which, I dare hope, will fully justify to it the measure of the executive directory. It is painful for the French government to see itself forced acts upon acts, to break a coldness between two nations, whom so many circumstances engage to unite themselves more and more closely. But, citizen minister, you know too well from what side the first blow was given to that friendship, which our two nations had sworn to. It is very consoling for the executive directory, on reviewing its conduct, and that of the Government which preceded it, to find that the French republic is blameless in this respect. At present, its dignity would evidently be brought into question, it would neglect its duty, if it did not give unequivocal proofs of a just dissatisfaction.

The ordinary relations subsisting between the two people, in virtue of the conventions and treaties, shall not, on this account, be suspended. The commerce will remain charged to superintend them. The eventual modification, which shall be produced, in that state of things, by the arrest of, the directory, I communicate to you, can, in no manner, be considered as alterations made by us. These would generally be commanded by the circumstances, and by the violation of the most general laws of neutrality, which the English take the liberty to commit, if they were not, at the same time, the violation of the treaty between the two republics, and the necessary consequence of the treaty since concluded between the United States and England. The Federal Government is too enlightened not to have foreseen all the results of that treaty, and, no doubt, too just to desire that its whole weight should fall on the French republic.

It shall not be the fault of the executive directory, citizen minister, if the political relations between the two nations are not speedily re-established on the footing they ought to be; and if the clouds, which cast a gloom on our alliance be not dispelled by frank and loyal explanations, to which it will be anxious to listen; above all, citizen minister, when they shall be made through you.

Health and fraternity.

CH. DE LA CROIX.
The Minister Plenipotentiary of the United States to the Minister of Foreign Affairs.

PARIS, October 19th, 1796.

I have just been favored with yours of the 7th instant, (16th Vendémiaire) announcing that the directoire exécutif had suspended Mr. Adet's functions as minister plenipotentiary to the United States and had likewise given orders that the armed ships of the republic should treat our vessels in the same manner as the English treat them; and that both measures were taken in consequence of certain acts of our Government, which have occurred in the course of the present war; and particularly our late treaty with Great Britain.

I have received this communication with red concern, because I had presumed that the explanation I had given in my replies to your several complaints, stated in the two notes to which you refer, was satisfactory; and because I cannot otherwise than lament that any incident should occur, and especially during my service here, which betrayed a diminution on either side of that harmony and friendship which ought always to subsist between our Governments. I flatter myself, however, that this discontent will prove transitory, and that I shall soon have the pleasure to witness the complete restoration of that sincere and cordial amity which has heretofore so happily subsisted between the two republics.

I forbear to add any thing, at present, upon the subject of your complaints, because, in the state in which that business now is, it could not otherwise than be unprofitable, and because it would ill accord with the respect I owe to my own Government, before whom that subject now is, for me to address you further on it, at the present moment. I shall await, therefore, with patience, as it is my duty to do, the orders of the President in this respect, to whom it belongs to direct the course it may be deemed suitable for the to take in the present conjuncture.

Be assured, sir, that, as there is no political object which I have more sincerely at heart than a continuance of perfect harmony between our two republics, so no political incidents can occur, to give me so much pleasure, as those in which I become the organ of such communications as have a tendency to promote it.

I cannot close my reply, citizen minister, without making to yourself, and the directoire exécutif, my sincere acknowledgment for the attention with which you have heard my several communications, formal and informal, on this subject; and in which I have endeavored, with the best views towards the interest and welfare of both countries, to divert you from any measure of this kind, and I beg to assure you that the liberal sentiments you have been pleased to express in my favor will always prove a source of the most grateful remembrance.

Minister of Foreign Affairs to Mr. Monroe, Minister Plenipotentiary of the United States of America.

PARIS, 19th Frimaire, (Dec. 2d, 1796) 5th year of the republic.

Citizen Minister:

As the arrival of Mr. Pinckney at Paris seems to be near at hand, if it has not already taken place, I thought it incumbent on me to inform you of the formalities which you will have to observe on that occasion. It is customary that the recalled minister and his successor transmit to the minister of external relations the copy of their credentials and letters of recall. Presuming that your letters of recall have already been received by you, I invite you to communicate them to me as soon as possible.

Health and fraternity.

CH. DE LA CROIX.

The Minister Plenipotentiary of the United States of America to the Minister of Foreign Affairs.

PARIS, December 3, 1796.

I have been honored with your favor of yesterday, prescribing the mode to be pursued upon the arrival of Mr. Pinckney, who succeeds me in the office of minister plenipotentiary, with the French republic, by forwarding to you his letters of credential with mine of recall, and which I will most willingly comply with as soon as he arrives. He may be daily expected; perhaps he is already arrived, of which I will inform you as soon as advised of it. I have not yet received my letter of recall, or would now send you a copy of it: I expect it by Mr. Pinckney, being so advised by our Secretary of State, who then announced to me only the fact that I was recalled.

Accept the assurance, &c.

The Minister Plenipotentiary of the United States of America to the Minister of Foreign Affairs.

PARIS, December 6, 1796.

I have the honor to inform you that my successor (Mr. Pinckney) is arrived, and is desirous of waiting on you for the purpose of presenting a copy of his letter of credential for the directoire exécutif of the French republic. By him I have also received my letter of recall. Permit me, therefore, to request you will be so obliging as to appoint a time when Mr. Pinckney and myself shall have the honor to attend you, for the purpose of presenting you copies of these documents.

The Minister of Foreign Affairs to the Minister Plenipotentiary of the United States of America.

PARIS, 10th Frimaire, (December 9, 1796) 5th year of the republic.

Citizen Minister:

I have received the letter you did me the honor to write to me, in which you demand an interview for the citizen Pinckney, appointed your successor, in order to deliver me a copy of his credentials and of your letter of recall. I shall be glad to receive you this very day, from one o'clock in the afternoon to four, if you can find it convenient. I request you to propose to citizen Pinckney.

Health and fraternity.

CH. DE LA CROIX.

Citizen Minister:

I hastened to lay before the executive directory the copy of your letter of recall and of the credentials of Mr. Pinckney, whom the President of the United States has appointed to succeed you as minister plenipotentiary of the said States near the French republic. The directory has charged me to notify to you "that it will no longer recognize nor receive a minister plenipotentiary from the United States, until after a separation of the grievances demanded of the American Government, and which the French republic has a right to expect."
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I beg you, citizen minister, to be persuaded that this determination, which is become necessary, does not oppose the continuance of the affection between the French republic and the American people, which is grounded on former good offices and reciprocal interests; an affection which you have taken pleasure in cultivating by all the means in your power.

Accept, citizen minister, the assurance of my perfect consideration.

CH. DE LA CROIX.

James Monroe, citizen of the United States, to the Minister of Foreign Affairs.

As my functions as minister plenipotentiary with the French republic have ceased by the letter of recall which I had the honor to present you some time since, and as it is my wish, in obedience to the order of my Government, to take my leave of the directoire executif without delay, permit me, citizen minister, again to request that you will be so obliging as present this subject before that body, and obtain from it an early appointment for that purpose as may suit its convenience.

Accept the assurance, &c.

The Minister of Foreign Affairs to Mr. Monroe.

Paris, 7th Nov., (Dec. 27, 1796) 5th year of the republic.

I have the honor of informing you, citizen, that the directory will give, next Decade, (December 30) a private audience, for the delivery of your letters of recall. I invite you to come, between 11 and half past 11 o'clock, to the house of external relations. We will proceed together to the directory, to whom I shall have the honor to present you.

Accept, citizen, the expression of the high consideration and of the sincere attachment which are due to your civic virtues.

CH. DE LA CROIX.

Address of Mr. Monroe to the Directory on presenting his letter of recall.

I have the honor to present you with my letter of recall from the President of the United States of America, which closes my political functions with the French republic; and I have likewise the honor to add, that I am instructed by the President to avail myself of this occasion to renew to you, on his part, an assurance of the solicitude which the United States feel for the happiness of the French republic.

In performing this act, many other considerations crowd themselves upon my mind. I was a witness to a Revolution in my own country. I was deeply penetrated with its principles, which are the same with those of your Revolution. I saw, too, its difficulties; and remembering these, and the important services rendered us by France upon that occasion, I have partaken with you in all the perils and trying situations in which you have been placed. It was my fortune to arrive among you in a moment of complicated danger from within and from without; and it is with the most heartfelt satisfaction that, in taking my leave, I behold victory and the dawn of prosperity upon the point of realizing, under the auspices of a wise and excellent constitution, all the great objects for which, in council and the field, you have so long and so nobly contended. The information which I shall carry to America of this state of your affairs will be received by my countrymen with the same joy and solicitude for its continuance, that I now feel and declare for myself.

There is no object which I have always had more uniformly and sincerely at heart, than the continuance of a close union and perfect harmony between our two nations. I accepted my mission with a view to use my utmost efforts to increase and promote this object, and I now derive consolation in a review of my conduct, from the knowledge that I have never deviated from it. Permit me, therefore, in withdrawing, to express an earnest wish that this harmony may be perpetual.

I beg leave to make to you, citizen directors, my particular acknowledgments for the confidence and attention with which you have honored my mission during its continuance, and at the same to assure you that, as I shall always take a deep and sincere interest in whatever concerns the prosperity and welfare of the French republic, so I shall never cease, in my retirement, to pay you, in return for the attention you have shown me, the only acceptable recompense to generous minds, the tribute of a grateful remembrance.

Answer of the President of the Directory.

Mr. Minister Plenipotentiary of the United States of America:

By presenting this day to the executive directory your letters of recall, you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the American Government to the wishes of its ancient tyrants. The French republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom the magnanimous friendship of the French people, with the crafty caresses of perfidious men, who meditate to bring them again under their former yoke. Assurance the good people of America, Mr. minister, that, like them, we adore liberty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant peace, as well as to cause its sovereignty to be respected.

As for you, Mr. minister plenipotentiary, you have consultated for principles; you have known the true interests of your country—depart with our regret. We restore, in you, a representative to America; and we preserve the remembrance of the citizen whose personal qualities did honor to that title.
The Secretary of State, in pursuance of an order of the Senate of the eleventh of May, 1796, on the memorial and petition of sundry citizens of the United States, residing in the city of Philadelphia, relative to the losses they had sustained by the capture of their property by French armed vessels on the high seas, or in consequence of the forced or voluntary sales of their provisions and merchandise, to the officers of the colonial administration of the French republic, having examined the case, together with accounts of similar losses sustained by American citizens from the French, in the European seas, or in the ports of France, which, in the details, were necessary connected with the former, respectfully reports:

That, since the commencement of the present war, various and continual complaints have been made by citizens of the United States to the Department of State, and to the ministers of the United States in France, of injuries done to their commerce under the authority of the French republic, and by its agents. These injuries were of two principal descriptions, and were brought forward on behalf of American citizens of the United States: 1st. Losses by forced or voluntary sales of their vessels at sea, from violation of the treaty of commerce and navigation between the United States and France, of the 20th of May, 1794, and 2d. A distressing and long continued embargo laid upon their vessels at Bordeaux, in the years 1793 and 1794.

3d. The non-payment of bills, and other evidences of debts due, drawn by the colonial administrations in the West Indies.

4th. The seizure or forced sales of the cargoes of their vessels, and the appropriating of them to public use, without paying for them, or paying inadequately, or delaying payment for a great length of time.

5th. The non-performance of contracts made by the agents of the Government for supplies.

6th. The condemnation of their vessels and cargoes under the orders of the marine ordinances of France, as incompatible with the treaties subsisting between the two countries. And

7th. The captures sanctioned by a decree of the National Convention of the 9th of May, 1793, (hereto annexed, and marked A.) which, in violation of the treaty of amity and commerce, declared enemy's goods on board of their vessels lawful prize, and directed the French ships of war and privateers, (by order of the Government,) to seize neutral vessels laden with provisions and bound to an enemy's port. It may be proper to remark here, that this decree of the Convention, directing the capture of neutral vessels laden with provisions and destined for enemy ports, preceded, by one month, the order of the British Government for capturing "all vessels loaded with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France."

Such was the general nature of the claims of the citizens of the United States upon the French republic, previous to the departure of Mr. Monroe, as minister plenipotentiary to France, in the summer of 1794, and since his residence in Paris, the introductions into the departments which had been made of these claims, have greatly increased, and he was instructed to press the French Government to ascertain and pay what might be found justly due. From time to time, as additional cases rose, they were transmitted to him, with the like view. In September of that year, he assigned to his secretary, Mr. Skipwith, (with the provisional appointment of counsel for Paris) the charge of stating the cases, and placing them in the proper train of settlement, reserving to himself the duty of fixing general principles with the Government, and of patronizing and superintending his proceedings.

In conformity with the direction of the minister, Mr. Skipwith, shortly afterwards, made a general report on the injuries, and difficulties and vexations to which the commerce of the United States was subjected by the regulations and restrictions of the French Government, or by the orders and proclamations of the minister to which he added a number of particular cases. A copy of the whole, marked B, is hereto annexed. This report was laid before the French Government; and, added to the various representations of Mr. Monroe, and his predecessor, it produced a decree of the joint committees of public safety, finance, commerce, and supplies, dated the 15th November, 1794, a copy of which, marked C, is annexed. This decree, apparently calculated to remedy many of the evils complained of, afforded but a partial, very partial, in respect to compensations a comparatively small, relief, while it continued in force the principle of the decree of the 9th of May, 1793, which rendered liable to seizure and confiscation the goods of enemy's subjects, even in neutral vessels. A very considerable remission had been accorded exempt from that part of the decree of the 9th of May, which authorised the seizing of vessels going to an enemy's port with provisions, by the decree of the National Convention of the 27th of July, 1793.

On the appearance of the decree of the 9th of May, the American minister at Paris remonstrated against it, as a violator of the treaties of commerce and amity with the United States. In consequence hereof, the Convention by a decree of the 29th of the same month, declare, "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May." M. le Brun, the minister for foreign affairs, on the 9th of May, communicated this second decree to me, at one of our late interviews, from which we find a new confirmation of the principles from which the French people will never depart, with regard to their good friends and allies, the United States of America." Yet, two days only had elapsed before those principles were departed from: on the 28th of May, the Convention repealed their decree of the 33d. The owners of a French privateer that had captured a very rich American ship, (the reviewing and. court of inquiry having declared her to be an armed vessel,) it was ordered that the vessel be seized and reduced to the prize. They were even the apparent hardness to say, beforehand, that the decree of the 33d would be repealed.

The American minister again complained. So, on the first of July, the Convention passed a fourth decree, again declaring "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May, conformably to the sixteenth [it should be the twenty-third] article of the treaty concluded the 6th of February, 1778." The new minister for foreign affairs, M. Desforges, accompanied this new decree of July 1st, with the following expression: "I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their determination to maintain to the utmost of their power, the treaties subsisting between the two Republics." Yet this decree proved as unstable as the former—on the 27th of July it was repealed.

The next decree on this subject was, that of the joint committees, of the 15th of November, 1794, already mentioned. Then followed the decree of the committee of public safety, of the 4th of January, 1795, (14th Nivose, 3d year) repealing the 9th article in the decree of the 15th of November preceding, and, in effect, the articles in the original decree of the 9th of May, 1793, by which the treaty with the United States had been infringed. It is not necessary at this time to give this decree (marked D.) as being the executive order of the 2d of July, 1796, under color of which are committed the shocking depredations on the commerce of the United States which are daily exhibited in the newspapers. The agents of the executive directory, at Marseilles, (Le Brune and Dechamps) have placed in the hands of the minister to the United States (marked C. C.) for capturing all American vessels bound to or from British ports. The Secretary pretends this is not an arbitrary, unauthorized act of their own, but that it is conformable to the intentions of the executive directory, the privates of the French republic in Europe having captured some American vessels, and it is a very evident want of a spirit of conciliation to order the execution of such a determination to condemn American vessels on that ground, pleading the decree of the directory for his authority.

The Secretary has already intimated that the decree of the 15th of November, 1794, was not followed by the expected effect; and that no vessel was taken from it. By the instructions which had been given (the last communication from the Secretary's request for information) it appears that the chiefs
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for detention of one hundred and three American vessels, by the embargo, at Bordeaux, remained undetermined, no funds having been appropriated by the legislature for payment of them, and that none of the bills drawn by the colonial administrations in the West Indies had been paid to him, the treasury having tendered payment in assignats at their nominal value, and, afterwards, in another species of paper called mandates, which had suffered a great depreciation by circulation; both of which modes of payment were refused to be accepted.

The progress made by Mr. Skipwith in the adjustment of other claims, so far as known to the Secretary, will appear in the annexed printed statement, marked D, copies of which were transmitted, ten months ago, to the officers of the principal collectors of the customs, from the Department of State, for the information of our merchant citizens.

That nothing might be left undone which could be accomplished by the Executive, the attention of General Pinckney, the present minister of the United States to France, was particularly directed to the subject of these claims; but the interval which has elapsed since his departure has not admitted of any interesting communication from him, on this business.

In connexion with other spoliations by French armed vessels, the Secretary intended to mention those committed under a decree dated the 1st of August, 1796, issued by Victor Hugues and Lebas, the special agents of the Executive directory, to the Windward Islands, declaring all vessels loaded with contraband articles of any kind, liable to seizure and confiscation, with their entire cargoes; without making any discrimination in favor of those which might be bound to neutral, or even to French ports. This decree has been enforced against the American trade, without any regard to the established forms of legal proceedings, as will appear from the annexed deposition, marked E, of Joseph Hempstead, master of the brigantine Patty of Westfield. A copy of the decree, marked F, is also annexed.

The Secretary has received a printed copy of another decree, of the same special agents to the Windward Islands, dated 1797, that all vessels, and those laden with any articles, whatever may have been their origin, shall be seiz'd and manifested as privateers: a copy of this last decree will be added to this report, as soon as it shall be translated.

All which is respectfully submitted.

DEPARTMENT OF STATE, February 27, 1797.

TIMOTHY PICKERING.

A. Copy of a decree of the national Convention, of the 9th of May, 1793, 3d year of the French republic.

The National Convention, after having heard the report of its committee of marine; considering that the flag of neutral Powers is not respected by the enemies of France; that two cargoes of flour having arrived at Falmouth, in Anglesey, were seized, and been brought before the war, for the service of the French marine, have been detained in England by the Government, which would not pay for it but at a price below what it had been sold for; that a vessel of Papembourg, called the Therissa, commanded by Captain Hendrick Kob, loaded with various effects belonging to Frenchmen, was carried into British ports 2d of last March, by an English cutter; that, under such circumstances, the French nation carried into the same port of Dover, on the 18th of the same month, the Danish ship Mercury Christianland, Captain Treuchen, which had sailed from Dunkirk on the 17th, with a cargo of wheat, for Bordeaux;

That on 23d of March, Captain Shkeley, loaded with about six thousand quintals of American wheat, in going from Falmouth to Saint Malo, was stopped by a frigate, and carried to Guernsey, where the agents of Government have simply promised to pay the value of the cargo although it was not on French account:

That one hundred and one French passengers, of different professions, embarked at Cadiz, by order of the Spanish minister, on board the Genese ship Providence, Captain Ambrose Briance, to be carried to Bayonne, were shamefully pillaged by the crew of an English privateer:

That various reports, which are successively made by the seaports towns of the republic, announce that the same acts of inhumanity and injustice are made, and continued without interruption every day along the whole seacoast:

That, under such circumstances, all the laws of nations being violated, it is not permissible that the French people should feel towards all the neutral Powers, in general, the way they have so repeatedly manifested, and constantly make for the full and entire liberty of commerce and navigation, decrees as follows:

ART. I. The French ships of war and privateers may stop, and bring into the ports of the republic, such neutral vessels as are loaded in whole or in part, either with provisions, belonging to neutrals, and destined for enemy ports, or which bear merchandise belonging to enemy agents.

II. Merchandise belonging to enemies shall be declared good prize, and confiscate for the benefit of the captors; the provisions, belonging to neutrals and loaded for enemy ports, shall be paid for according to their value in the place for which they were destined.

III. In all cases, neutral vessels shall be released when the unloading of the provisions which are stopped, or the merchandise belonging to enemies, shall have been done; the freight for them shall be paid at the rate stipulated by the persons who shipped them. A just indemnity shall be made, in proportion to their detention, by the tribunals who have cognizance of the validity of the prizes.

IV. Those tribunals shall be bound also to transmit, three days after their sentence, a duplicate of the inventory of the said provisions or merchandise to the minister of marine, and another duplicate to the minister for foreign affairs.

V. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect after the enemy Powers shall declare free, and not liable to seizure, although destined for the ports of the republic, provisions which may be neutral property, and merchandise loaded in neutral ships, which belongs to the French Government, or to French citizens.

B. To James Monroe, Minister Plenipotentiary of the United States of America, at Paris.

PARIS, Vendémiaire, 3d year, (October, 1794.)

SIR: At your request I now lay before you a statement of the innumerable embarrassments and difficulties which our commerce has, for a long time, and still continues to labor under, in the different parts of the French republic. It is evident, if their Government does not soon remedy the incessant abuses and vexations practiced daily upon our merchants, vessels, captains, and crews, the trade of the United States with France must cease. I cannot give you an ample view of all the inconveniences and oppressions which have been thrown upon our commerce; many of the consuls and their agents to whom you have written to forward such documents to my office, having not yet done its besides, it would take volumes to expose them at full length.

From the communication, however, already received from the different ports, and from the information I have collected from the captains present, I can assure you that there are near three hundred sail of American vessels now
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in the ports of France; all of whom have suffered, or are suffering, more or less delay and difficulties, of which the causes are explained in what follows; and you will perceive, I truly believe, that out of which there grows incalculable evils, may be developed under four general heads.

1st. The capture indiscriminately of our vessels, at sea, by the vessels of war of the republic.

2d. The impossibility of Americans selling their cargoes, and receiving payment at the ports to which they are conducted, or of their own accord arrive.

3d. The difficulties and procrastination which they find in their transactions with the boards of marine and commerce.

4th. The non-compliance, or heretofore delay, in fulfilling the contracts, made by the agents of the French republic in America, for supplies of provisions.

The seizure of our vessels at sea often gives rise to the most serious and well founded complaints. The stripping them of their officers and crews, who are generally replaced by boys and inexperienced hands, in order to be conducted to ports, exposes them to much injury, and sometimes total loss; the confinement of our sailors taken out of the vessels, the sale of whose cargoes, and, above all, the serious apprehension of the commission of murder, in Paris, involves the most unwarrantable hardships and delays, and, I am sorry to add, that all our vessels experience some of these difficulties; and, indeed, such as arrive with cargoes on account of the republic, months elapsing before the captains can get their clearances and papers, may perforce lose or suffer huge indemnities, as well as the most serious and delicate transactions of commerce at the different ports, having no power to treat directly for cargoes, it follows, that they must write to the commission at Paris for orders; and, after one or two months' fruitless correspondence, it often happens that the captains are obliged to come up to Paris, where, being ignorant of forms and language, they are forced to encounter new difficulties.

It would be too tedious to mention all the inconveniences resulting from the third general complaint. In the first place, the delays at the commission of marine are incredible. The captains, whose vessels are brought into ports by the armed vessels of the republic, cannot withdraw their papers from the hands of the marine agents, but are forced to Paris, to solicit, time after time, of the marine, a report upon them to the committee of public safety. The cruel delays attending this will be illustrated in the examples annexed. The report being made before it can reach the latter body, it must have the signature of the commissaries, and go through other formalities, and when it is received, the committee is at the same time so tired of the business, they do not find time to do it. Judge, sir, of the delays attending this; indeed, you will see cases where the poor captains have been many months in arriving at the above point; and I, myself, after having pressed several reclamations for weeks past, have not yet been able to bring one to that issue.

To sell to the commission of commerce, is still more difficult. When a bargain is concluded with them, an order is issued to the keepers of the public magazines to receive the cargo sold; who often pretend that there is no room to receive it, and frequently they keep the captains waiting weeks before their whim or convenience will induce them to receive it; this point gained, application must then be made at Paris, to the commission of commerce, for papers, who refer the captain to his board of agents; they make a report to the commissaries of the same commission, from thence it must go to the committee of finance, then to the committee of public safety, from whence it returns to the comptability. This labyrinth of perplexity, of course, throws the captain into the hands of an agent, who prey upon his distress; and when he has made forms and arrangements, he cannot easily touch his money. If, in the first instance, the commission will not purchase his cargo on the terms he asks, they tell him he may depart; but, on returning to his vessel, is most commonly prevented from sailing by the agents at the port. If it is mutually agreed that merchandise shall be taken in exchange, the difficulties become greater.

If the commission agree to take the cargo, and the captain sends the goods, the resolutions of the board of agents will put those very articles in requisition. If the commission tells the captain that they do not want his cargo, and that he may sell to individuals, he finds that he cannot export the proceeds unless he gives a security that he will import afterwards into the republic the same amount in articles of the first necessity, such as provisions, &c. If the captain is so unfortunate as to have been forced to treat with the agents of the commission, he is certain to feel their impolicy, they frequently refuse to confirm their own agreements. In short, after every sort of delay and vexation, the captain claims an indemnity, he has to wade through double the difficulties hereafter stated, and, perhaps, after all, to leave his business incomplete, in the hands of an agent.

The fourth and last general complaint is of a delicate and important import. Mr. Fauchet, the French minister, has made considerable purchases of provisions in America for account and in the name of the French republic; one house has engaged to furnish twenty thousand barrels of flour; thirteen vessels loaded with these provisions have already arrived. It is a great mystery how have I known of the commission of marine purchased those three cargoes; except that in the commencement, they assured me the committee of finance had ordered the payment of three cargoes at Bordeaux; but to my surprise, two days after, I found that no report had been made by the commission of that committee.

You will perceive, sir, the commerce of this country being immediately under the control of one branch of the administration of its Government, that it was necessary to adopt some corresponding measures in order to protect the rights and interests of our citizens, and, for that purpose, having provisionally named me to the place of consul, I have accepted it, as well to answer your views, as in the hope of rendering some good to both republics.

Before I conclude, permit me to observe that it is of indispensable importance to obtain some mode of having the claims of our citizens adjusted, for supplies furnished to the colonies of the French republic, and, likewise, the numerous claims in consequence of the late embargo at Bordeaux. I am authorized by many of the claimants to adjust those claims, and have many of the documents in hand, but wish for further instructions from you.

I would offer to your view a statement of the immense sums already paid by this republic, and to be paid, as indemnities for the extraordinary and useless delays of our vessels; but the consuls and agents have not yet furnished me with the requisite documents; it is, however, a fact, that not a single vessel arrives from America to discharge some such general view to the lady. I am persuaded that millions are absorbed in this manner.

It is with real regret, sir, that I find myself obliged, the duties of my station requiring it, to present to your view so serious a subject, as, in my opinion, makes for the earliest attention; but, if you will not forget, it will ever be my effort to cultivate, as much as possible, a good understanding between the citizens of our country and those of France.

With respect, &c.

The Hon. Col. Monroe.

FULWAR SKIPWITH.

A report on some of the American vessels captured by the armed vessels of the French republic, and carried into the various ports of the republic.

1st. The ship Alexander, Captain Woodward, with a cargo of flour, on account of the French Government, was captured on the 5th of August last, by the frigate Agricola, and brought to Rochefort, being stripped of all her crew, officers, and stores. This vessel, from extreme neglect, since her arrival at Rochefort, is in a condition unfit for sea, without undergoing considerable repairs, and remains there deprived of her people. The demand of the freight, agreeable to the charter party signed by Mr. Fauchet, has been long since, and remains, with the commission of commerce.

2d. The brigantine Olive Branch, Captain John Buffington, taken by the frigate Semillante, was conducted to L'Orient on the 30th of August, with a mixed and payable cargo; the seals remain upon her hatches; and besides
having been rudely insulted by having her colors hauled down, by order of the captain of a French sloop of war, she was deprived of her crew, and ran many risks of being wrecked by the inexperience and negligence of those who were put on board her.

3d. Brigantine Polly and Nancy, captain Brien, was taken into Brest the 90th of August, after being deprived of ten of her ship's company.

4th. The brigantine Apollo, Captain Parker, taken the 90th of February, and carried to Rochefort, and not liberated till the 26th of August, has not yet been paid for, his vessel having been sent to make a report to the committee of salut public, in order that he might obtain the indemnity so justly due him.

5th. The ship Robert, Captain Whippy, taken by the Proserpine frigate, and conducted to Brest.

6th. Ship James, taken by an armed vessel, and conducted to L'Orient, in the month of August, after being deprived of many men and ten men.

7th. Schooner Ruth, Captain John Peter, taken by the frigates the Raillieuse, la Resolve, and the Insurgent, and conducted to Rochefort, after being stripped of all her crew, except the cabin boy, where she remains with her hatches closed, and the cargo (of fish) in a perishing state.

Vessels of the United States now detained in different ports, loaded on account of the republic, their contracts signed by the French Minister, and payments not obtained, or at present likely to be obtained, of Government here.

At Bordeaux, since the 6th of August, 1794, the Ariel, Captain Decator; brigantine Mary, Captain Fleming; brigantine Susannah, Captain Towers.

I have demanded payment of the cargoes of those three vessels of the commission of commerce, and was answered that the committee of finance had given an order for that purpose; but on my application to that body, I find they have not.

Arrived at Nantes in the month of August, the Goddess of Liberty, Captain Glad, and Mary, Captain Puller, 2,720 barrels of flour; the Norfolk, Captain Baron, and Bellona, Captain Brooks, 1,203 barrels of flour.

At L'Orient, 5th August, the Alexander, Captain Woodward, 1,395 barrels of flour.

At Brest, 26th August, the Polly and Nancy, Captain Bryan, loaded with flour, and three others.

At Rochefort, 3d September, brigantine Sally, Captain Grece, 1,628 barrels of flour.

All the above vessels are waiting; and though I do not get a positive denial, I can obtain no promise of payment for their cargoes.

Particular cases of American vessels.

1st. The Paragon, Captain Garrieck. I landed at St. Lucie in September, 1793, and cleared her for Amsterdam; in the month following she was stranded upon the French coast, in the Department of Montagne sur mer. The judges of the Canton of St. Jose ordered the part of the cargo damaged to be sold, and the good to be stored. The captain, after four journeys to Paris, fruitless attendance on the marine, and twelve months detention, has been forced to abandon the purchase; and since my residence here, though in the quality of proprietor as well as consul, I have not been able to obtain restitution of the property.

2d. Captain Newell arrived at Havre in the month of June, 1793, with a cargo eighty-eight thousand livres value, which he sold, and purchased to the amount of forty-seven thousand livres in articles of luxury. At the moment his vessel was taken, a decree of the National Assembly prohibiting the exportation of all merchandise whatever was Newell consequently obliged to despatch his vessel empty. Many months, however, after, he procured from the commission of commerce permission to export those goods; and at his arrival at Havre, where they lay, not finding an American vessel to be hired, he chartered a Danish one, and shipped the goods; but, applying for a clearance at the custom house, he was required not only to give approved surety of selling the goods at his particular port of residence in America, but likewise that he should ship them in an American vessel only. The hardship of the case compelled him, of course, again to Paris; and he is now in vain soliciting that he may be relieved from giving a security, that as a stranger, he cannot obtain, and being allowed to export his property in other than American vessels. He has been detained many months, at the expense, at nine pounds sterling per day.

3d. The brigantine Hope, Captain Hooper, captured and sent to Rochefort in March last, whose cargo was sold soon after the commission of commerce, has only from that time to this been able to obtain a report from the commission of commerce of the cargo; and he has been denied also all information of the payment of public and private debts.

4th. The ship Kensington, Captain Kerr, was taken by a frigate, and sent to Morlaix, the 8th April last; the commission of commerce refused to purchase his cargo, notwithstanding he has been detained in port ever since.

5th. Some time ago, the commission of commerce purchased the cargo of the brigantine Iris; but finding afterwards that the articles which composed that cargo might be bought on lower terms, they refused to comply with their contract; the proprietor therefore demanded restitution of a considerable part of his cargo remaining unsold, and offered to take the price they pleased for the part that was; this was rejected; and the captain at present can get no satisfaction whatever.

6th. The agents of the commission of commerce purchased at Havre, the cargo of the ship Fabius payable in bills on Hamburg; but after a tedious delay, they would only give him bills on Basle, pretending they could not draw on Hamburg; though they gave immediately after bills on that place to others. However, after another month's vexation and delay in this situation, Mr. Vans, the proprietor, obtained bills on Hamburg, which he has come back protested for non-payment, and the commission refuses to allow the customary damages. Mr. Vans likewise sold to their agent at Dunkirk a valuable cargo, and the sale was ratified and approved by the representative of the people, then with the northern army, and who was possessed of the power from the Convention of making unlimited purchases; still the commission of commerce oppose the fulfillment of the contract.

Vessels of the United States captured going to and coming from different ports, and their treatment by armed vessels of the republic.

1st. The ship Mary, Captain Titchton, on her passage from London to Boston, was captured by the sloop of war the Hendrick, (a prize to the French frigate the Surveillante,) Her passengers, among whom there were three American citizens, were cast into the crew of the vessel, and the cabin of the ship being entirely ransacked. The passengers, though late at night, and the sea running extremely high, were hurried into a small boat, and sent at some distance on board the ship of war. The women, of whom there were several, from the hardships they underwent, have been indisposed ever since. The ship entered Brest on the 1st of September; the passengers remain at this time on board a prison ship, and the commission of marine has not yet made a report upon the business.

2d. The ship Severn, Captain Goodrich, on her passage from Bristol to New York, with several families on board, was also captured by the Proserpine frigate, who took out of the Severn the several passengers, crew, papers, and live stock, and sent her into Brest on the 1st of September, where the passengers remain on board the prize ship called the City of L'Orient, and no report can be obtained from the commission of marine.

3d. The ship Mary, Captain Preble, was captured by the above mentioned frigate, on the 18th August, on her passage from England to America, with a number of passengers, and has experienced the same treatment in every respect that the Severn did.
FOREIGN RELATIONS. [1797.]

4th. The brigantine Theodosia, Captain Justice, was captured by a French squadron on the 14th September, and conducted to Brest, with a perishable cargo, where she remains, her hatches closed; and as yet I cannot obtain a report from the commission of marine.

5th. The schooner Roebuck, Captain Kemsman, captured by the frigates Surveillante and Fidelis, was carried into Brest in May last. Her bills of loading were given to the commission of marine at L'Orient, but not having been forwarded to the commission here, no report can be had.

6th. The ship Canton, Captain M'Ghee, captured in the East Indies in the month of October, 1793, by a French privateer, called the Isle of France.

7th. The ship Woodtrim Sis, Captain Hodgson, captured by the Jacobin and Atalanta frigates, and sent to Rochefort the 13th September, with a perishable cargo on board, and no report can yet be obtained of the commission of marine; this vessel, on her last voyage to Bordeaux, was detained nine months.

8th. The brigantine Peggy, ——, taken by an armed brigantine of the republic, was conducted to Rochefort the 5th; the captain and crew were in prison during eight days, the seals put upon the hatches, and the papers taken from the captain.

9th. The ship George, Captain Symes, captured by the frigate La Galathie, and carried into Morbih in January last, after a reasonable time, is now commanded by a neutral, which is called contraband, and prohibited. There is comprised under the name of contraband or prohibited merchandise, arms, instruments, and munitions of war of every kind, horses and their furniture, and every kind of goods, wares, and merchandise, destined for a place actually besieged, blockaded, or invested. No merchandise seized on board of neutral vessels, as belonging to enemies of the republic, shall be unloaded without delay, and, at most, within the term fixed for lay days by the charter party, which the master of the vessel may carry.

10th. The freight of enemy goods shall be paid at the rate contained in the bill of lading or charter party; and the master shall have permission to employ the amount of it in the purchase of merchandise of the growth or fabric of the republic, the exportation of which may be permitted.

11th. The master of a vessel, on board of which shall be found the merchandise above described, shall be free to deport as soon as they shall be unloaded.

12th. In case merchandise, seized as belonging to enemies, shall appear to belong to neutrals, and be declared, in consequence, not to be good prize, they shall be restored unchanged to the owner, if he shall not rather agree to sell them.

13th. The commission of marine shall immediately present to the committee of public safety a list of every native subject of the Powers with whom the French republic is at war, who may (up to this day) have been seized in neutral vessels, and their complaints shall be decided upon by particular decrees.

14th. The indemnities due to neutral masters, who have been detained at Bordeaux, in consequence of the embargo which was laid there, shall be adjusted, without delay, by the commission of marine, conformably to the decree of the committee of public safety of the 7th Germinal." This commission shall render an account, within six days, of the present situation of those claims.

15th. The commission of marine is specially charged to receive and examine the accounts which shall be presented to it by the agent of the United States, concerning the supplies which the American merchants have furnished to the administrators of St. Domingo. It shall take all necessary measures to procure for the interested the most speedy justice; and it shall present to the committee of public safety, finances, commerce, and supplies, the result of its doings on this subject.

16th. The commission of marine is charged to cause the present decree to be published in all the ports of the republic.

The commission of foreign relations shall transmit it to the agents of the republic, to the allied or neutral nations, with orders to communicate it to them.

A copy of it shall be delivered to the minister plenipotentiary of the United States of America, to serve as an answer to the memorial presented by him on the 17th of last Fructidor.

The members of said committees united.

MERLIN, (D. D.)
CAMBACERE,
CARNOT, &c.

C. C.

Extract from the register of the resolves of the Commission delegated by the French Government to the Leeward Islands.

The commission resolves that the captains of French national vessels and privateers are authorized to stop and bring into the ports of the colony American vessels bound to English ports, or coming from the said ports.

* 7th March, 1794.
The vessels which are already taken, or shall be hereafter, shall remain in the ports of the colony until they shall be otherwise ordered.

At the Cape, the 7th Frimaire, (27th November) in the fifth year of the French republic, one and indivisible.

Signed on the record of the procès-verbal,

LEBLANC, President.

ANTHONY, X, Commissioners.

RAIMOND, Secretary General.

A true copy.

The secretary general of the commission,

PASCAL.

D.

A statement of the claims of citizens of the United States upon the French republic, presented by Mr. Skipwith, Consul General of the United States at Paris; and also of his proceedings and remarks upon them: viz.

List of American claims settled with the French Government, by Fulwar Skipwith.

No. 1. Brig Apollo, of Boston, Captain Benjamin Parker, captured, and carried into Rochefort. Recovered an indemnity. Paid to the captain

3. Ship Governor of the zone, Captain Elias Davies Symes, captured, and carried into Morlaix. An indemnity was allowed by the committee of salut publique for her detention, to be regulated by arbitrators, who made up their award for demurrage in assignats; but by my repeated applications to the committees of Government, I obtained the payment of £3,255 sterling, in silver.

3. Schooner Trial, Captain Timothy Tuft, was detained, by embargo, at Calais. I recovered for him an indemnity. Paid to the captain

4. Ship Turner, Captain Thomas Woodward, captured, and carried into Rochefort. I obtained for him the payment of his freight; also an indemnity for demurrage of 39,676 livres specie, 3,110 assignats. The specie part was paid in assignats, with the depreciation; and I accounted to the captain for specie: besides, I had his vessel repaired at this Government's expense. Paid to the captain

5. Brig Margaret, Captain Benjamin Berry, captured, and carried into Havre. I recovered for him. Paid to the captain

Minerva, Thomas Cutts, captured, and carried into Brest. I recovered for her demurrage £2,460 sterling. Paid to the captain, in bills

7. Brig Robert, Captain Coffyn Whipple, captured, and carried into Brest. I recovered for her demurrage 36,156 livres specie; paid in assignats, at the course of exchange, and in assignats 19,100 for the captain's expenditures. Settled with the captain.

8. Ship McGilvra, Captain Hugh Gemmell, captured, and carried into Brest. I have recovered the payment of freight and demurrage, amounting to 35,661 marcs banco, and 15,000 assignats. Remitted, agreeably to the captain's orders;

9. Ship Kensington, Captain Walker Kerr, captured, and carried into Morlaix. Indemnity for demurrage recovered and paid.

10. Schooner Helen, Captain John Craft, captured, and carried into Bordeaux. His cargo of even sell was paid by the officers of Government. Recovered, in payment of his cargo, 46,321 livres specie, and for demurrage and indemnity, 13,101 livres specie, and 5,125 in assignats.

11. Brig Nancy, Captain Andrew Dunning, captured, and carried into Brest. Recovered for his demurrage and demurrage £4,460 sterling, in specie, 14,600 in assignats, and £12 sterling for two thousand staves


13. Ship Fabius, Captain Conon, captured, and carried into Bordeaux. Recovered his indemnity. Paid to the captain, to the amount of

14. Messrs. Patten and Prentis, citizens of the United States, owned half of the cargo of the Swedish ship, the Nottumjolk, captured, and carried into Brest: the price of which they recovered. I obtained for them an indemnity for their expenses, from the date of their settlement to the day of their payment, of

15. Benjamin Jarvis had the French minister Fauchet's bills on the commission of supplies, for 162,000 livres, specie; the payment of which I obtained in assignats, at the rate of exchange, and paid Mr. Jarvis in bullion.

16. The ship President, Captain John Anderson Smith, brought from Baltimore a cargo of oil, which was ordered on account of a residence in ninety and ninety-four barrels of which remained unpaid, on account of some difficulties between the supercargo and the French agents. I recovered the payment of £2,336 10s. sterling, on account of Oliver Kane, assignee of Mr. Barton.

17. The brig Eagle, Captain William Conon, came as a cartel from Jersey, with prisoners of war, to Roscoff, where she was stopped and detained. I obtained her release, with permission to sail out but no indemnity was granted, this Government referring the captain to the Power that employed him.

18. The brig Friendship, Captain Ebenezer Hoyt, arrived at Rochefort. I obtained for him the payment of his freight, amounting to 36,869 livres, specie; and also an indemnity of 19,114 livres, specie, for his detention.

19. The brig Hiram, Captain James Craig, ran aground near Boulignej she was got off, but carried into Bouligne, and detained there. I procured her release, but have not yet been able to obtain an indemnity for her detention.

20. Ship Knight Tailor had arrived from his house of Baltimore bills of citizens Le Compte and Gornon, agents of the French republic in America, to the amount of 30,000 pounds sterling. Those bills having protested for non-payment at Hamburg, I recovered the amount from the Government, 750,600 livres specie,

21. W. Welky, Captain, recovered the payment of his freight, of 8,580 dollars. Demurrage is not yet paid.

22. William Wams had made a contract with some of this Government's agents; I recovered the payment for him (all but a small part, which remains unpaid) in brandy and wines, specie.

23. John Dickey, agent of the house of Oliver and Thompson, of Baltimore, sold to the Government a cargo of hemp, iron, and lead. I recovered the payment for him, of

24. Dark Apollo, Captain M'Gruder; recovered the payment of her cargo of flour, in specie,

Livrés Specie. Livrées Assign.

34,791 00 0 4,454

29,590 00 0 176,000

39,676 00 0 3,418

34,887 00 0 11,560

59,010 00 0

26,136 00 0 19,100

63,962 13 7 15,000

86,920 00 0

12,104 00 0 5,125

11,308 00 0 14,600

52,370 00 0 3,110

39,807 05 0

165,000 00 0

53,676 00 0

55,013 00 0

720,600 00 0

46,332 00 0

385,926 00 0

161,479 10 0

107,070 00 0

95 VOL. I.
I am soliciting the payment of the demurrage.

25. Messrs. Townsend, Franklin, and Sailler, made contract with the French Government; I have obtained for them arrears from the committees of Government, for the payment of, in specie, 2,239,693 00 0.

26. The brig Two Brothers, Captain Carman, delivered by contract a cargo of leather; I have obtained an arrear for the payment, in specie, of 280,596 00 0.

27. Ship Hawk, Captain Moses West, delivered at Brest, by contract, a cargo of leather; I have obtained an arrear for the payment, in specie, of 130,395 00 0.

28. Ship Olive Branch, Captain Buffington; obtained an arrear for the payment of her cargo, in specie, 147,537 00 0.

29. Only one-quarter paid.

30. The schooner Success, Captain Elias Low; her cargo of fish taken for Government use; obtained an arrear for the payment of 33,739 0 10.

31. Schooner Industry, Captain Isaiah Snow; her cargo of fish taken for Government's use; obtained an arrear for the payment of 43,200 0 0.

32. Ship Ann, Captain Coffin, delivered at Havre, by contract, a cargo of pearlashes and potatoes; obtained an arrear for the payment of, in specie, 155,567 16 0.

33. Ship Severn, Captain Gared Goodrich; obtained an arrear for the payment of her freight, in specie, 22,614 19 0.

34. One only four paid.

35. Captain Jacob Smith, of the ship General Green, sold to this Government a cargo of hemp and iron, the payment of which I recovered, independently of the amount of the iron.

36. Brig Polly, Captain Richard Christie. Obtained an order for the payment of demurrage, of 42,725 00 0.

37. Brig Henry, Captain Henry Hodge, captured and carried into Morlaix. Got so much endamaged, under the command of the prize master, that the captain abandoned her, entering his protest before the proper officer. Having previously obtained an arrear, that he delivered the vessel American property, I obtained likewise an order for another vessel of the republic, in lieu of the Henry, at the choice of the captain, who pitched upon an English prize, the Quaker. I have also obtained an indemnity for his detention, of 11,354 livres, specie, and 11,556 assignats.

38. Another one not paid.

39. Brig Four Friends, Captain Joseph Gleann. Recovered the payment of his freight, (this vessel having been captured), obtained an arrear for his indemnity, amounting to 12,014 00 0.

40. The indemnity is not yet paid.

41. Brig Theodosia, Captain John Justice, captured and carried into the Orient. I have obtained an arrear for the payment of the indemnity, of 2,600 Florins, equal in specie, to 5,777 00 0.

Claims before the Government.

39. The ship Severn, Captain Jared Goodrich, owned by Messrs. Thomas Piersall and Elijah Pell, of the city of New York, bound from Bristol to New York, was captured by the French frigate Proserpine, and carried into Brest. I obtained an arrear on the 31st day of October, 1794, which released the vessel, but condemned the greatest part of the cargo, ordering the payment of the freight of the part condemned, and an indemnity for the detention. N. B. The indemnity is fixed by the arbitrators, but not yet obtained.

Claims for the Cargo.

40. James Davy. I have claimed for him the release of the articles contained in his bill of lading, consisting of three masts of merchandise, one long bundle do, three bundle shovels, one bundle pans, and six casks of iron weights. As most of this cargo has been distributed, I want the original invoices and testimonial of the value of the articles, in order to the determination of these claims.

Messrs. Malcolm, M'Pewen and Son. I have claimed for them the release of the part of their cargo, not determined.

42. Messrs. Moses Rogers and William Woolsey. I have claimed for them the release of their part of the cargo, not determined.

43. Messrs. John Cane and Brothers. Claimed their part of the cargo, not determined.

44. Andrew Van Tuyll. Claimed his part of the cargo, not determined.

45. Messrs. Peter Goedel and Robert Hatsey Goedel. Claimed their part of the cargo, not determined.

46. Colonel A. I. Reynolds. Claimed his part of the cargo, not determined.

47. Nicholas Van Antwerp. Claimed his part of the cargo, not determined.

48. Francis Basset. Claimed his part of the cargo. The commission of Marine has answered that the property was released by the arrêt of October, 1794; it is supposed, of course, that it was re-shipped by the captain.

49. John Haster. Claimed his part of the cargo, not determined.

50. Messrs. Bredt Bown and Andrew Bowne. Claimed their part of the cargo, not determined.

51. Joseph Blackwell. Claimed his part of the cargo, not determined.

52. Thomas Cadle. Claimed his part of the cargo, not determined.

53. Stephen Debiais. Claimed his part of the cargo; original invoices and prices of the goods, copy of the bill of lading, wanting.

54. Messrs. Douglass and Roe. Claimed their part of the cargo, not determined.

55. Daniel Dunsmour. Claimed his part of the cargo. The property released, by arrear of the 26th of April, 1795. The value yet to be recovered.

56. James Farley. Claimed his part of the cargo, not determined.

57. William Grizzam. Claimed his part of the cargo, not determined.

58. John J. Glover. Claimed his part of the cargo, not determined.

59. Peter Goedel. Claimed his part of the cargo, not determined.

60. John Ever. Claimed his part of the cargo, not determined.

61. Messrs. Hallet and Bowne. Claimed their part of the cargo, not determined.

62. Andrew Hammarley. Claimed his part of the cargo. I have wrote to Birmingham for a duplicate of the invoice, that forwarded by Hammarley being so wet that no use can be made of it.
63. Uriah Hendricks. Claimed his part of the cargo. I have no invoice.
64. Messrs. Oliver and Hull. Claimed their part of the cargo; not determined.
65. John Lawrence. Claimed his part of the cargo; not determined.
66. John Dunham and Tillinghast. Claimed their part of the cargo; not determined.
67. Messrs. Hyde and Rogers. Claimed their part of the cargo; not determined.
68. Messrs. Outhout and M'Grew. Claimed their part of the cargo; not determined.
69. Messrs. Pearshall and Pell. Claimed their part of the cargo; property released by arrest of the 26th April, 1797. Invoices wanted to render the value.
70. Messrs. Thomson and M'Gregor. Claimed their part of the cargo; not determined.
71. Walter Weyrer. Claimed his part of the cargo; not determined.
72. Messrs. M'Kinzie and Varick. Claimed their part of the cargo; not determined.
73. Messrs. Underhill and Son. Claimed their part of the cargo; not determined.
74. Messrs. Alexander and John Mowatt. Claimed their part of the cargo; property released, but the value not yet recovered.
75. Schooner Lark. Captain Samuel Lovet, was captured at sea. The prize master lost both vessel and cargo, on the coast near Bayonne. I obtained an arresté, which acknowledges the property of both vessel and cargo to be American property, and orders the payment of the value thereof; which value is to be ascertained by arbitrators. The prize master is to make the payment.
76. Brig Mary, of Haverhill, Captain Jonathan Ticombe, captured and carried into Brest. Obtained an arresté which releases both vessel and cargo, and orders an indemnity for deviation and detention; the award is made up, but the order of payment not yet issued.
77. Ship Fame, Captain John Coleman, captured and carried into L'Orient. Obtained an arresté for an indemnity; the award made up, but the order of payment not yet obtained.
78. Snow Mercury, Captain George Todd, captured and carried into Morlaix, and released. The demand of an indemnity not yet answered.
79. Ship Andrew, Captain Samuel Makin, captured and carried into L'Orient. Claims made for the value of the cargo, and for an indemnity for the detention of the vessel; not determined.
80. Brig Trenton, Captain George Graham Hussey, captured by the French and retaken by the English. Claims made for indemnity on behalf of the mate William Cook, who was taken out of her and was plundered; not yet determined.
81. The Ruby, Captain Dexter, captured and carried into Morlaix. Claimed for Mr Blake the value of the cargo; not determined.
82. Mr. Thomas Hickling, acting as American consul at St. Michael. Claimed for him his half of the cargo of the Swedish ship the Nellisurfock, captured and carried into Brest; not yet determined.
83. Ship Little Cherub, Captain Rat. Bird, owned by Thomas Ramsden, captured and carried into Dunkirk. Claimed for the owners, demurrage, &c. not determined.
84. Brig Amphion, Captain Joshua Sayers, captured and carried in Cayenne. Claimed the payment of the freight; not determined.
85. Brig Hero, Captain George Frost Blunt, captured and carried into Cherbourg. An arresté orders the indemnity to be settled by arbitrators. The award giving less demurrage than what is specified in the charter party, remonstrances are put in against; not yet determined.
86. Brig Hero, Captain George Frost Blunt, captured and carried into Cherbourg. Messrs. James Burgess and Co. of Charleston. Claimed for their part of the cargo; not determined.
87. Brig Hero, Captain Blunt; Messrs. David Lanik, Montgomery. Claimed for their part of the cargo; not determined.
88. Brig Samuel, Captain Alexander Black, captured and carried into St. Malo. Part of the cargo has been end - damaged, and the other part has been damaged; claims for the damaged part and for an indemnity, is pending before the Executive commission of marine. The part of the cargo paid amounted to liv. 61,847 specie.
89. Schooner Abigail, Captain George Dunham, captured and carried into L'Orient. Obtained an arresté for the indemnity which has been awarded, but the order of payment not yet obtained.
90. Ship Union, Captain Richard Beard, captured and carried into Cherbourg. Arresté granted for the payment of the cargo and for an indemnity for detention; nothing yet paid.
91. Schooner Retrieve, Captain Daniel Jackson. Claimed part of her cargo taken by the French at Leogane, in Hispaniola; no determination.
92. Schooner Ruth, Captain John Peters, captured and carried into Rochefort. An indemnity was awarded for his detention, but the captain not being satisfied with the award, a demand is put in to overseat it.
93. Ship Ann and Susannah, Captain Richard Lane, captured and carried into L'Orient. The indemnity is awarded, but not yet obtained.
94. Captain Joshua Barney sold to this Government the cargoes of the Sidney, Ariadne, Pomona, Harmony, Fame, and Moggy. Obtained an arresté that the demurrage of these six vessels be settled by arbitrators. The award not yet made.
95. Brig Olive Branch, Captain John Ballington. Indemnity for demurrage not yet obtained.
96. Schooner Success, Captain Elias Low. The award for the indemnity made up, but the payment not yet obtained.
97. Schooner Industry, Captain Isaiah Snow. The award for the indemnity made up, not yet paid.
98. Henry Saddler. Claimed for him demurrage of the Iris, Betsey and Enterprize; not yet determined.
100. James Robert Loveston. Claimed for him the demurrage of the two brothers; not determined.
102. Ship Ann and Susannah, Captain Richard Lane. Her cargo was sold to the Government by Mr. George Blunt, in New York. Obtained the payment of it, liv. $6,300.
103. Shirt Hamilton, Captain Teer. Claimed her demurrage; not yet obtained.
105. Barque Apollo, Captain M'Gruer. Claimed demurrage; not determined.
106. Schooner Sally, Captain John Hall. Her cargo of warlike stores was delivered to the administration of Guadalupe, but not yet paid. Claimed the payment of the same; rejected by the commission of marine for want of an account liquidated at Guadalupe, and proper vouchers; a fresh claim put in notwithstanding.
107. Schooner淮安, Captain Samuel Gerrish. This vessel was cast away on the coast near Bourlgue; the Govern - ment officers seized on the property that was saved, and the committee of public safety passed an arresté, ordering the sale of the same, and that out of the proceeds the captain should receive his freight. The goods saved were sold at vendue for assignats at the maximum price, which assignats would hardly pay near one-third of the freight. I have no claim put in against the illegality of the proceeding; as contrary to the convention made between France and America; no determination.
108. Brig Triton, Captain William Ridgway, captured by the French privateer Rochastouft, and carried into Martinique. The cargo of the vessel was released, but the captain condemned to pay 2,500 liv. specie to the privateer. Granted a restitution, and an indemnity for detention. The whole rejected by the commission of marine, because the captain was not on board, nor the ship's papers, when the capture was made.
109. Brig Mary, Captain Nathaniel Haley, captured and carried into Brest. Claim is put in for an indemnity for demurrage and detention, as also the freight of the goods condemned.
110. Brig Mary, Captain Halley; Peter Goellet. Claimed for him part of the cargo.
111. Brig Mary, Captain Halley; Charles Hopkins. Claimed for him part of the cargo.
114. James Grubb. Claimed for him the payment of 66,000 livres specie, for flour delivered to the French admistration of His Majesty's vessel Jenny, of Savannah, at Bordeaux and La Rochelle.
115. Sloop Jenny, of Savannah, Dareloque, master and owners; captured and carried into Cape Francois, and condemned. Claimed the value of the sloop and cargo, but it is impossible to obtain an order of payment, without some documents to prove the value, which Mr. Dareloque has never transmitted. When the necessary papers arrive, it will be proved for an order for an amount of 66,000 livres.
116. Brig Friendship, Captain Henry Oney; supercargo, Ephraim Talbot; captured and carried into Bayonne. Claimed an indemnity.

OBSTRUCTIONS.

117. Brig Annapolis. Captain Daniel Boyer; owner, Mr. Stephen Vernon, of Philadelphia. Claimed the payment of the cargo delivered at St. Domingo. Rejected by the commission of marine, referring to the administration of St. Domingo. A new claim put in.

118. The ship Jones and Richard, of Philadelphia. Captain Edmund Nowland, entered at Bordeaux, coming from Havana to Philadelphia, to load flour, and bring cargo. He declared at the custom house that he having entered the cash he had on board, and lodged it with the consul; ready to sail, the captain took his cash on board, where it was seized. Claimed for him restitution of the same.

119. Armstrong and Barnwell, of New York. Claimed for them the payment of a bill of the French administration of St. Domingo on the French minister, near the United States, for liv. 16,325, which bill has been duly protested for refusal of payment by citizens Genet and La Forest.
120. James Vanxum, for citizen Faure. He remitted four ordonnances on the minister plenipotentiary of France near the United States, drawn at St. Domingo, to the amount of liv. 39,731. Claimed for him the payment of the same but the letter of attorney of Faure is wanted.
121. Peter La Maigre. Claimed for him the payment of six ordonnances on citizen Genet, duly protested, amounting to liv. 138,776; not determined.
122. Schooner Fairy. Capt. John Hammel, plundered by the French privateer the Little Democrat. Claimed the payment of the effects plundered accordingly to the accounts furnished; not determined.
123. Brig Mara, Captain Keyran Walsh; owned by Mr. Ebenezer Stocker, of Newburyport, Massachusetts; captured by the French Frigate Medusa, and plundered. Claimed for the effects plundered as per the accounts furnished, 2,304 dollars, accordingly to the accounts furnished.
124. Sloop Diligent, Captain John Cunningham; owned by Messrs. Solomon Wilson, George Benn, and Nathaniel Norsworthy; captured and carried into Basseterre, island of Guadaloupe. Claimed an indemnity for the dissolved effects plundered, of 873 livres.
125. Brig Thomas, Captain John SALTER. Claimed the payment of the freight from Martinico to France, for transporting a number of French sailors and soldiers.
126. Schooner Alice, Captain Joseph Gould; owned by John Bullock, of Providence, Rhode Island; captured and carried into St. Lucie, and there condemned. Claimed the value of the vessel and cargo, and an indemnity.
129. Schooner York, Captain Andrew Burke; owned by Mr. Nicholas Cruger, of New York; captured at Port au Prince; both vessel and cargo condemned. Claimed the value of the whole, and an indemnity.
130. Captain John Kirk; captured and carried into Cherbourg. An order to order the payment of an indemnity; but the award of the arbitrators is in assigns, which, by the considerable depreciation, cannot be received. I am soliciting the payment of it in specie.
131. The John, Captain Clarke; captured and carried into Cherbourg. In the same situation as the Indian Chief.
132. The Jerusha, Captain Ebenezer Giles; captured by the French, recaptured by the British. Claimed an indemnity for damages sustained whilst in the possession of the French.
133. Brig Hope, Captain Joseph Pooler. Claimed the value of the cargo and its vessel captured by the Frigate Cherbourg.
134. Sloop Rainbow, Captain Isaac Mackie; Messrs. Edward Dunnant and Joshua Gilpin. Claimed for them the payment of their accounts of flour delivered at Cape Francois, &c. &c. cargoes of the two above vessels.
136. Schooner Sally, Captain William Edgar.
137. Ship Robin, Captain John Broock, of Philadelphia. Claimed for Philip Care the payment for the cargoes of the two above vessels, as also the value of his effects burnt and destroyed in the stores of Messrs. Creven Jeune & Co.
138. Schooner James, Captain Dallstrandt; Christopher Lewis Lente, of New York. Claimed for him 153 half Johanneis freight, and 87,000 indemnity for the loss of his vessel.
139. John Burrows, of the sloop Lark, of Philadelphia. Claimed for him the payment of five colonial bills of Guadaloupe on the French minister near the United States, on the protests of the said bills. It would have been well that the first had been transmitted to my office.
140. Sloop Confidence, of Newburyport, Captain Bradbury. Claimed the value of the part of the cargo that was condemned at Port de la Liberte, island of Guadaloupe, and an indemnity.
141. Schooner Success, Captain John Watson; George Brock, a passenger. Claimed for him the effects plundered by the boat of the French Frigate Concorde.
142. Capt. Daniel ship Kraqnov, Captain Hand Paulson; John James von Klined; James Muschott. Claimed for him his part of the cargo of tobacco, the said vessel being captured and carried into Brest.
143. Brig Ennace, Captain Benjamin Carleton; John Norris, John Barr, and James Barr, owners. Claimed an indemnity for being embargoed at Brest.
144. Capt. Dewey, ship Amsterdam, Co. of New York. Claimed for them the payment of two original drafts of the administration of Port au Prince on citizen Genet, the one, No. 19, for liv. 10,381 17 9, and the other, No. 20, for liv. 8,908 17. I wish they had been protested, and the protest transmitted to my office.
145. Ship Commerce, Captain Emoc Freble. Claimed for Messrs. Smith, De Stassure, and Darrell, the price of four thousand quarts of indigo, together with the French privateer Tyger of St. Malo.
146. British brig Mary Ann, Captain John Simpson; Archibald Gracie. Claimed for him the tobacco on board, as it was shipped before the time allowed by the treaty to take notice of hostilities.
147. William Smith, for ordonnances from the French minister, in St. Domingo for 13,980 liv. specie, and that for a bond of 5,741 liv. 12 sous 6 den. signed Bonsavine, cannot be supported for want of original papers and vouchers.
148. Paul Siemens. His claim for supplies of flour and gin cannot be supported for the same reasons.
149. Fair American, Capt. Rt. Gillet. Claimed for Messrs. Vanxum and Lambrecht the amount of the cargo abandoned at Cape Francois at the time of its destruction, amounting to liv. 142,855 19 7. Claimed at the same
time, for the same owners, liv. 33,695, for flour delivered at Port Republican in 1793. Claimed, likewise, for the same, liv. 19,470, for five hundred barrels of flour, sold to the administration of Portu Prince. Those three claims rejected for want of original papers and vouchers.

193. James Gamble, of Philadelphia. Claimed for him the payment of liv. 11,576 8, for the amount of a colonial draft on citizen Genet. Rejected, and the papers delivered back to Mr. Monroe.

194. Brig Kitty, Captain William Waters, owned by Stephen Girard, of Philadelphia; condemned at Basseterre, Guadeloupe. Having no official paper, not even a legal copy of the judgment, I have wrote to Mr. Girard, for the necessary papers and vouchers to support the claim.

195. Schooner Atalanta, of Washington, in North Carolina, (formerly the Washington) Captain Hugh Huston; captured, condemned, and sold at Basseterre, Guadeloupe. No official copy of the condemnation; no other paper but the Captain's protest, which is insufficient to present a claim upon.

196. Ship Favorite, supercargo, Samuel Montgomery Brown, of Philadelphia. Ship and cargo were condemned at Port au Prince for having out declared all the produce on board. Not a single official paper to support the fact; only relations of it by the supercargo.

197. Messrs. James M'Currach & Co. of Philadelphia. Two copies of drafts from Port Republican on citizen Genet. There should have been, at least, certified two copies by the French consul at Philadelphia, and they should be under a certificate of the said consul that the originals were deposited in his office.

198. Walter Stewart, of Philadelphia. His claim for livres 90,344 15, for supplies to the French Government of St. Domingo, proceeding from the cargo of the brig Active, Captain Aaron Welch, and his other claim, for 32,450 livres, for four delivered at St. Marc, are only supported by copies of ordnances, certified by a public notary, which is not sufficient.

199. Bartholomew Sarrazin, of Philadelphia. His claim for property destroyed at the Cape is not supported by affidavits of indifferent persons, of the amount and value of it, or by any other testimony than his own.

200. Brig Brothers, Captain John Baptist Smith, owned by James Barry, of Philadelphia. There is only the captain's protest of his being taken by a French letter of marque, the Ca Irma, Captain Paris, fitted out at Charleston, and carried into St. Bartholomew, whence the captain fled before condemnation. No claim can be supported without the assistance of some other evidence.

201. Schooner Misty, Captain Frederick King. No other paper but the protest to prove that the cargo, left in the hands of Michael Levy, Aux Cayes, was taken by the orders of the Commissary Polverelli, and not paid for.

202. Messrs. Nicholas Cruger, George Codwise, and Joseph Rose. The copies of three ordnances of Guadalupe, on citizen Genet, not sufficient to obtain payments; claims suspended for want of vouchers, original papers, or copies or certified papers.

203. Schooner Polly, Captain Matthew Price, captured by the French privateer Narbonnaire, and carried into Port au Prince, where the cargo was condemned.

204. Amphion, Petit and Bayard, of Philadelphia. Copy of an ordnance from Port Republican on citizen Genet, on account of pork, proceeding from the cargo of the schooner Industry, and oil, of the schooner Franklin, delivered at the Cape, and on account of property left at the Cape at the time of its destruction; but no pieces of evidence or vouchers to support any part of the claim.

205. John Mayben, of Philadelphia. Several copies of ordnances from the French West India Islands; but no original paper to support a demand of payment.

206. Sloop Mary Anne, of New Haven, Captain William Brentnall. Nothing but the copy of a declaration, on oath, of the mate and one of the hands, that the said vessel was plundered by the French, and then captured by the British.

207. Schooner Polly, of Washington, in North Carolina, Captain Nathaniel Willis. Freight and cargo plundered by a French privateer; no other paper to ground a demand but upon the protest.

208. Schooner Lacey, Captain Louden Bailey. The captain's account of what the administration of Port au Paix, island of St. Domingo, allowed him for his cargo, and what it would have fetched at the current price; no evidence to support the fact.

209. Schooner Betsey, Captain John Murphy. Mr. William Patterson, of Baltimore, has transmitted an account of the cargo belonging to him, taken by the municipality of Ponte à Pétre, but no evidence to support the demand of payment.

210. James Saddler. Claimed his part of the cargo; not determined.

211. Metropolitan, Tapp, Allam, and Lee. Claimed their part of the cargo; property released by arrêté of 26th April, 1796; invoices wanted to recover the value.

In witness of the foregoing being a true statement of the one hundred and seventy American claims, as there- in respectively described, and as will appear to be supported upon the various documents deposited in the chancery of my office, I have hereunto affixed my name and seal of office, at Paris, this 20th day of November, one thousand seven hundred and ninety-five, and of American independence the two hundred and twentith.

F ULV A R SKI P W I T H,
Consul General of the United States of America, near the republic of France.

List of American vessels detained by embargo, at Bordeaux, and of the sums claimed for each, by the Consul at Bordeaux.

<table>
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<th>No.</th>
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<th>Masters</th>
<th>Sums in livres, specie</th>
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<td>Jn. Pollard</td>
<td>29,091 16 00</td>
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<td>Hannah</td>
<td>William Springer</td>
<td>11,973 12 00</td>
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<td>Catharine</td>
<td>William Teer</td>
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<td>12,714 00 02</td>
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<td>104</td>
<td>Hunter</td>
<td>Thomas Chipman</td>
<td>8,841 00 00</td>
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</table>

In witness of the foregoing being a true and exact copy of the original deposited in the chancery of my office,

[LS.]

I have hereunto affixed my name and seal of office, at Paris, this 20th day of November, 1795, and of American Independence, the twentieth.

FULWAR SKIPWITH.
I, JOSIAH HEMPIEST, late master of the brigantine Patty, which, with her cargo, were the property of Justus Riley, merchant, of Wethersfield, in the State of Connecticut, testify and declare, that I sailed in said brigantine from New London to the same State, on the 14th day of July last, bound to the Island of St. Bartholomew's: that, on the second day of September following, being in the latitude of seventeen degrees and twenty-four minutes north of the equator, according to my observations, I was captured by a French cruiser, called the Iris, Lemot captain, and carried into Guadaloupe, arriving on the fifth of said September at Basseterre: that on the same day I was taken before Victor Hugues, whose first words addressed to me were these: "I have conscripted your vessel and cargo, you damned rascal," doubling his fist and running it close to my face; and he continued talking for some time, reviling the Government and people of the United States: that, on the 8th of September, I applied to Victor Hugues to be informed when my vessel and cargo were to be tried, and he answered, that they had been already tried, and I might go about my business. I then requested a paper to produce to my owner as evidence of the capture and condemnation of his vessel and cargo, which was granted: that I twice applied to Victor Hugues to allow me something to enable myself and people to leave the island, but could obtain nothing. I further certify, and the sloop Lucy, George Gilbert, master, belonging to Norwich, in Connecticut, was carried into Basseterre on the same day with the brigantine Patty, and, with her cargo, was condemned, without the examination of a single paper, which remained in the hands of Captain Gilbert till after sentence of condemnation had been pronounced: that, when I took into my hands Captain Gilbert's orders from his owners and attempted to read them in the hearing of Victor Hugues, he would not hear them. The next day the same orders were carried to the linguist, to present to Victor Hugues; but, in the afternoon, the linguist brought them back to Captain Gilbert, saying that Victor Hugues would not receive them. The orders showed that Captain Gilbert was to perform a voyage to St. Croix, with liberty to touch at St. Bartholomew's, but was not to deviate from those orders, because the sloop was chartered for those two ports only, and that insurance was made accordingly.

JOHNSON HEMPIEST.

CITY OF PHILADELPHIA, 8th.

On the ninth day of November, Anno Domini, 1796, before me, Hilary Baker, mayor of the city of Philadelphia, personally appeared the within named Josiah Hempiest, who being duly sworn on the Holy Evangelists of Almighty God, doth solemnly declare and depose, that all and every the facts stated in the within declaration, by him this day before me subscribed, are true. In witness whereof, I have hereunto set my hand and seal, the day and year aforesaid.

HILARY BAKER, Mayor. [L. s.]

F. EQUALITY. LIBERTY.

Extract from the Registers of the Special Agency of the Executive Directory to the Windward Islands.

The special agents of the executive directory to the Windward Islands:

Considering that the laws as well ancient as modern, forbid neutrals to carry to the enemy contraband or prohibited merchandises:

Considering that, notwithstanding the complaints of the minister plenipotentiary of the French republic near the United States of North America, of which he has informed us by his letter of the 20 July, 1796, those States, and especially Virginia, have fitted out vessels loaded with horses for the English:

Decree, that from this day forward, all vessels loaded with merchandises designated by the name of contraband, as arms, ammunition, wearing apparel, and provisions of all sorts of which kinds silver, horses, and their furniture, shall be stopped by the ships of war and privateers, to be seized and conscripted for the benefit of the captors.

At Basseterre, Guadaloupe, the 1st August, 1796. Signed on the register.

VICTOR HUGUES—LEBAS.

Compared with the register.

VAUCHELET, Secretary of the agency.

F. EQUALITY. LIBERTY.

The Special Agents of the Executive Directory to the Windward Islands.

Considering that the ports of the Windward and Leeward Islands, as well as those of Demarara, Essequibo, and Berbice, delivered up to the English, occupied and defended by enigrants, are in a state of regular siege, and not entitled to the same advantages as the ports of the different English colonies, possessed by that Power before the war, or to other rights.

Considering that it is against every principle to treat a horde of insurgents, destitute of country, without government, and without a flag, with the same respect as civilized nations preserve towards each other during a war.

Considering that, by the authentic acts which are in our possession, it is proved that the divers places of the colonies delivered up to the English by the rebel Frenchmen and Batavians no more belong to the British Government than the Vendée, in which the English ministry had, in like manner, mercenary troops under pay,—some regiments clad in the same uniform as those of England: considering that, in virtue of the 3rd article of the treaty of alliance, concluded at Paris on the 5th of February, 1778, between the United States and France, the former Power engaged to defend the American possessions in case of war, and that the Government and the commerce of the United States are always open to the inhabitants of the republic of France, in turning to its injury the favors granted to them of trading in all the ports of the French colonies.

That, by permitting neutral vessels any longer to carry provisions of war and of subsistence to men, evidently in state of rebellion, would be to prolong civil war, and the calamities and crimes flowing therefrom,—decree as follows:

ARTICLE 1. The ships of the republic and French privateers are authorized to capture and conduct into the ports of the republic and French privateers destined for the Windward and Leeward Islands of America, delivered up to the English, occupied and defended by the enigrants. These ports are, Martinico, St. Lucic, Tobago, Demarara, Berbice, Essequibo.

And at the Leeward, Port au Prince, St. Mark's, P'Archays, and Jeremie.

ART. 2. Every armed vessel, having a commission from either of the said ports, shall be reputed a pirate, and the property of the vessel, and the cargoes on board, shall be confiscated to the government.

ART. 3. The vessels and cargoes described in the 1st and 2d articles are declared good prize, and shall be sold for the benefit of the captors.

ART. 4. Every captured vessel, which shall have cleared out under the vague denomination of West Indies, is comprehended in the 1st and 2d articles.

ART. 5. The decree of the 4th of last Nivose, in pursuance of the resolution of the executive directory, of the 14th Messor, 4th year, shall be executed till further orders, as far as shall not be contravened by the present decree.
This decree shall be printed, transcribed in the register of the criminal and commercial tribunals, sent to all the French colonial ports, read, published, and posted up, wherever it may be necessary.

It shall be notified officially to the neutral Governments of St. Croix, St. Thomas, and St. Bartholomew's.

Enjoining the criminal and commercial tribunals of Guadaloupe, their delegations in the different French colonies and elsewhere, the rear-admiral commandant on the West India station, and the head of the administration, to aid in executing the present decree, each in his respective department.

Done at Basseeterre, island of Guadaloupe, the 13th of Pluviose, 5th year of the French republic, one and indivisible.

VICTOR HUGUES & LEBAS.

To the Senate and House of Representatives of the United States in Congress assembled, the memorial and petition of the subscribers, citizens of the United States, dwelling in Philadelphia, respectfully shew:

That your memorialists, and divers others, in the regular course of their trade, in the years 1793, 1794, and 1795, invested very large sums of money in provisions and other merchandizes suited to the West India market, and sent them thither, where many cargoes were sold to the officers of colonial administration of the republic of France, to be paid for in cash or colonial produce; many others were taken by force or the said officers from the supercargoes and consignees, at prices arbitrarily fixed by themselves, to be paid for in produce at rates and terms of credit fixed at their pleasure, and that others have been arrested on the high seas, carried into their ports, and taken for the use of the republic without any stipulated price or contract: that your memorialists confidently believe, that the amount of property belonging to the citizens of the United States, thus delivered to, and taken by, the administrative bodies of the French republic in the West Indies, exceeds two millions of dollars now in arrear, for which your memorialists and others concerned, have no mode of obtaining payment, satisfaction, or redress; that the usual course is, after taking the cargo by force and duress, to detain the vessels under pretence of paying in produce, until the masters and crew are wearied with sickness, delay, and insult, so as to be willing to return, either altogether without payment, or with such small portion thereof, as scarcely to pay the freight and charges occasioned by these long delays, whereby, in most instances, the whole capital has been left behind, and in those instances, where a considerable part of the cargo has been paid for in colonial produce, the expenses of demurrage have consumed almost the whole, as by vouchers ready to be laid before the House, or a committee thereof, will abundantly appear.

Your memorialist further show, that some of the earliest sufferers among them applied personally, and by memorials, to citizens Genet, Fauchet, and Adet, the first and succeeding ministers of the French republic, for redress, without obtaining it: they also applied, by memorial, to the President of the United States, who referred them to the Secretary for the Department of State, whose advice they pursued in committing their claims to James Monroe, Esq. minister plenipotentiary of the United States to the republic of France, at the time of his embarkation. That, although your memorialists are perfectly satisfied that the executive authority of the Union hath done all within its power to procure redress to your memorialists, yet it has not had the desired effect.

Your memorialists further represent, that they had hoped that some arrangement would have been assented to, whereby, the debts due from the republic of France to the citizens of America might have been discharged, out of the debt due to her from the United States, and, under this expectation, they exercised patience, but finding that money funded and transferred to an agent of the republic, all hope, from that resource, is vanished: your memorialists feel the more concern that, while provision has been made by the Executive of the Union for obtaining from other nations a redress for spoliations committed on their commerce, no measures hitherto adopted have been successful for procuring satisfaction from that nation, which the merchants of this city have so decidedly an affection to, by supplying their islands with provisions and necessaries, at a greater risk than attended any other branch of their trade, supplies that were absolutely necessary to their colonies, and which they could, from no other place, nor in any other manner, be furnished with.

Your memorialists therefore pray, that the Legislature will take their suffering case into consideration, and afford them such relief and protection as to their wisdom shall seem consistent with right and justice.

Clement & Taylor,
Joseph Brown,
John Taggart,
Montgomery & Newholds,
Nathan Field,
William Is. Sonntag & Co.
John Steinmetz,
William Bell,
Amb. Vasse,
John M'Culloh,
Pett & Bayard,
Conyngham, Nesbit & Co.
George Davis,
Nathaniel Lewis & Sons,
John Clark,
Thomas Fitzsimons,
Philip Care,
Charles White,
Walter Stewart,
David H. Conyngham,
James M'Curach,
Edward Dunant,
Isaac Hazlehurst & Son, for
John Wilcocks,
George Arnaud,
Nalbro' & John Frazier,
E. Dutel & Wachsmuth,
James Gamble,
John Rutherford,
James Yard,
James Vanuxem,
Summer & Brown,
Daniel Vincent Thunen,
Grubb & Mather,
Charles Massey,
John Mayhun,
John Gardiner, jun.
John Savage,
Maddock, Jackson & Co.
Edward Carrell,
Philip & Thomas Reilly,
Sam. A. Otis, on behalf of
Sam. A. Ous, jun.
Rd. Glimer & Co.
Mr. Livingston, from the committee appointed on the 9th December last, to inquire into the operation of the act for the relief and protection of American seamen, and to report what amendments are necessary to be made thereto, made the following report:

That, from the neglect of the collectors of the different ports, to transmit the returns directed by the said act to the Secretary of State, it is difficult to present any precise result of the operation of the law to the House.

For the quarter ending with the 30th of September, 1796, the collectors of the following ports only had made the return of impressments directed by the 7th section of the act aforesaid, viz: Providence, (Rhode Island) Washington, South Quay, Ipswich, Dighton, and Philadelphia.

For the succeeding quarter, ending the 31st of December, 1796, the returns were made on this subject only by the collectors of Philadelphia, Ipswich, Dighton, Providence, (Rhode Island) verbally by the collector of Boston.

It, however, appears, from the communication received from the Secretary of State, and annexed to this report, that affidavits have been transmitted to his office, taken, as well pursuant to the 5th section of the said act, as under the direction of a circular letter written from that department on the 25th of March last, and that from those documents there appear to have been impressed, by British ships of war and press-gangs, from on board American vessels, 114 seamen:

Of whom 54 are citizens of the United States, twenty-nine of whom whose States are particularly designated in the returns.
12 natives of Great Britain or Ireland.
19 foreigners, natives of other countries than Great-Britain or Ireland.
29 whose citizenship is uncertain.

Total, 114

The same neglect of the collectors, to make the proper returns, has prevented your committee from procuring and submitting to the House an accurate statement of the number of seamen enregistered pursuant to the 4th section of the said act. It appears however, that, in the two quarters preceding the 1st of January, 1797, there were registered by the several collectors who have completed their returns, the number of 4,892 seamen—

Of whom 4,633 are native Americans.
304 citizens by residence prior to the 3d of September, 1793.
41 naturalized citizens.

Total, 4,892

As to the operation of part of the law, directing the appointment of agents to reside in foreign ports, your committee report that no regular returns have been received from the said agents of the number of impressed seamen they have been able to discharge; but they understand, generally, that the law has operated beneficially in this respect.

Your committee also further report, that they have examined the suggestions contained in the letter annexed to the report from the Secretary of State, on the subject of the allowance to sick, disabled, or needy American seamen, in foreign ports; and are of opinion that some further legislative provision is necessary for their support; and, as connected with that subject, that some provision is necessary for the relief and support of such disabled or invalid seamen as may arrive at the different ports of the United States.

The committee find that numbers of seamen, as well foreigners as natives, arriving at the different ports of the United States, in such disabled situation, either become a great burden to the public hospitals, where any such are established, or are left to perish for want of proper attention.

They are of opinion that a sufficient fund might be raised for the support and relief of sick or disabled American seamen, as well in foreign ports as in the United States; either by an additional tonnage duty on all vessels entering the ports of the United States, or by a charge on the wages of all seamen shipped within the United States, proportioned to the length of the voyage, to be paid or secured by the master, and deducted from the wages of his crew.

The committee, therefore, in relation to the several objects above specified, recommend the following resolutions, viz:

Resolved, That the Secretary of State be directed to lay before this House, at its next meeting, an abstract of all the returns which shall then have been made to him, by the collectors of the different ports, pursuant to the directions of the act for the relief and protection of American seamen; and also such communications from the agents employed by virtue of the said act, in foreign ports, as may then be received.

Resolved, That, instead of the allowance directed to be made by the act, "concerning consuls and vice-consuls," for the relief and support of American seamen in foreign ports, provision ought to be made, by law, for allowing the sum of thirty cents per day, to each man, and for defraying the expense of transporting sick or disabled seamen to the United States.

Resolved, That provision ought to be made, by law, for collecting the sum of— cents, per month, from the wages of every seaman sailing from any port of the United States, to be appropriated—
1. To the temporary support and relief of sick or disabled seamen of the United States;
2. To the foundation of hospitals for the relief of such sick or disabled seamen, (when a sufficient fund shall be collected.)

DEPARTMENT OF STATE, FEBRUARY 17, 1797.

Sir:
I have the honor to enclose, agreeably to your request, a copy, marked A, of the instructions prescribed by the President of the United States, relative to the proofs of citizenship, and mode of taking the same, to entitle the applicants to be registered as American seamen. An abstract, marked B, of the returns received from different collectors, of the seamen they have registered pursuant to the act of Congress. The committee will observe, that a number of the collectors have made no returns. A statement, marked C, of seamen impressed or detained by foreign Powers, extracted from the returns of the collectors. Copies, marked D, of returns of impressments, from the collector of Pennsylvania; and an account, marked E, of such protests as have been transmitted to my office, relative to impressed seamen, as well in pursuance of the fifth section of the act for the relief and protection of our seamen, as in compliance with my request, in a circular letter sent to the collectors, in March, 1796. The dates

* Not to be found. † See Commerce and Navigation, No. 41.

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of the protests, compared with the date of the President’s instructions, transmitted by the Secretary of the Treasury to the collectors, will indicate what protests have been returned pursuant to the act of Congress.

I have no particular information to communicate on the operation of the act in question, having heard no complaints of difficulties or inconveniences in executing it. But, in other respects, our seamen need more effectual protection and support.

By the consular act, every master of an American vessel is required to receive and bring home, at least two of our seamen whom he may find in foreign ports, for every hundred tons burthen of his vessel, without compensation other than the service of the seamen, on their passage, if able to work; and if he refuses to receive them, the consul of the place is authorized to prosecute him for a penalty of thirty dollars, in any court of competent jurisdiction, for every seaman so refused. Now, if the master wants seamen, he will gladly ship them as part of his crew; if he is full manned, to receive them will be inconvenient to him, or, at least, a burden on his owners; and, in such cases, the master will continue to evade the law, and our seamen will suffer, if not be lost to their country. Besides, in many foreign ports we have no consuls, and the penalty mentioned is incurred only when the master refuses to receive the seamen on the request or order of the consul. And in what courts are our consuls, resident in foreign countries, to prosecute the delinquents? I have asked the Attorney General’s opinion. He answers: in the courts of the United States. The provision for such prosecutions may, then, be considered as a nullity.

Why should not compensation be given to encourage the bringing home of destitute seamen? A very small duty on every vessel, or on every seaman, (as formerly they were taxed for the support of Greenwich hospital) would furnish an adequate fund.

The consular act also authorizes our consuls to support our needy or sick seamen in foreign ports, but restricts the allowance to twelve cents a day, a sum that in but few ports in Europe would procure them a single meal; and, as to the sick, they must be left to perish, unless the consuls, at their own expense, provide clothing, nurses, and physicians. And who is to bury the dead? Funeral expenses, in many places, are considerable.

Our consuls have been in the practice of giving certificates to protect our seamen from impressments. These certificates have formerly been respected, with some exceptions. Lord Greenville has complained to Mr. King of numerous abuses by such protections, being given to British subjects. It is highly probable that some abuses have taken place; yet, as seamen sometimes lose their protections, it seems necessary that the consuls should continue to give them. The consuls of other nations do the same, and the difference of language is a guard against frauds. Perhaps some rules might be prescribed to the consuls for their direction, to prevent abuses which, by bringing the consular acts into disreput, will destroy their usefulness. The fee taken by the consuls, (some few, I believe, issue the certificates gratis) is two dollars for each protection. This seems too burthensome on the seamen; and if, after all, carelessness, or other fault in some consuls in issuing certificates, should destroy the faith which ought to be given to the consular seal, the evil will be greatly increased.

These hints, written at your request, I submit to the consideration of the committee,

And am, sir, with great respect, your obedient servant,

TIMOTHY PICKERING.

EDWARD LIVINGSTON, Esq. Chairman of the Committee of the House of Representatives, on the act for the relief and protection of American seamen.

C.

A Statement of Seamen belonging to ships and vessels of the United States, impressed or detained by foreign Powers, taken from the returns of the Consular Officers of the United States, of the quarter ending the 30th September, 1796, in pursuance of the seventh section of the “act for the relief and protection of American Seamen.”

Return of the collector of Providence, Rhode Island: That Benjamin Phillips, master of the ship Rebecca, of Providence, who entered, on the 17th September last, from the Havannah, had two of his seamen impressed on his passage thence.

Return of the collector of Washington: That there were none.

Return of the collector of South Quay: That there were none.

Return of the collector of Ipswich: That there were none.

Return of the collector of Dighton: That there were none.

The foregoing are all the returns yet received relative to impressments and detentions, for the quarter aforesaid, except that from Pennsylvania district, a copy of which is annexed to this Marked D.

On the 39th of March, and previous to the passing of the act above mentioned, the Secretary of State had addressed a circular letter to the collectors of the principal ports in the United States, requesting them to take and transmit to him affidavits relative to impressments, and other outrages committed on citizens of the United States, by British ships of war. Of this they have continued to make return with much precision, whether the affidavits transmitted were pursuant to the act of Congress, or the circular letter; and as returns of registered seamen have been made by many collectors who do not, at the same time, notice the impressments and detentions which may have taken place, it is probable that they considered the transmission of the affidavits themselves, as superseding the necessity of a formal return. An account of those affidavits or protests, as far as they come within the meaning of the act, will be found in the paper marked E.

A Statement of Seamen belonging to ships and vessels of the United States, impressed or detained by foreign Powers, taken from the returns of Collectors of the Customs, to the Secretary of State, for the quarter ending with the 31st December, 1796, in pursuance of the seventh section of the “act for the relief and protection of American Seamen.”

The collector of Ipswich: That there were none.

The collector of Dighton: That there were none.

The collector of Providence, Rhode Island: That one seaman had been impressed from on board the brigantine Betsy, of Providence, Zachariah Rhodes, master, on the 4th August, 1796, at Port-au-Prince, by the British ship of Indostan, captain Boxst; but he was afterwards restored.

The collector of Boston reported personally to the Secretary of State: That, in his district, he had received no information of the impressment of a single seaman.

The return of the collector of Providence is annexed, marked DD.
### COPY OF THE RETURN OF IMPRESSMENTS, MADE BY THE COLLECTOR OF PENNSYLVANIA.

*Abstract of American Seamen impressed by the belligerent Powers, commencing the 1st of July, and ending the 30th September, 1796.*

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<th>Date of entry</th>
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<th>Names of masters</th>
<th>Where from</th>
<th>Names of Seamen</th>
<th>Places of birth</th>
<th>Places of impressment</th>
<th>BY WHOM IMPRESSED</th>
<th>Nations to which vessels impressing belong</th>
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</thead>
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<td>Brig Molly, Six Brothers</td>
<td>Walter Midden, John Waters</td>
<td>Port-au-Prince, Port-au-Paix</td>
<td>An Irishman, naturalized in Baltimore, John Bane, 20 passengers and one boy, Philip Hay, a citizen by residence</td>
<td>Ditto, Ireland</td>
<td>Ditto</td>
<td>Do, Do</td>
<td>Do</td>
</tr>
<tr>
<td>4</td>
<td>Amiable Creole, Ship American, Active</td>
<td>James M'Kever, Griaswell, St. Ives</td>
<td>Port-au-Prince, Londonderry, St. Ives</td>
<td>George M'Cormic, A seaman, Sweden</td>
<td>Unknown, St. Marks</td>
<td>Bristol, Frigate Success</td>
<td>Do, Do</td>
<td>Do</td>
</tr>
<tr>
<td>2</td>
<td>Brig Isabella and Ann, Sloop Sally, Snow Hope, Big Fame, Malabar, Aurora, Rebecca, Sloop Nancy, Brig Governor Brook</td>
<td>George Hawkins, George Wadd, Ridge, James Mitchell, Amasa Parker, Dominic Davine, Madeira, William Small, Andrew Kelly</td>
<td>Port-au-Prince, Ditto, Cape Nicola Mole, Madeira, Cuba</td>
<td>James Mason, had a protection, three seamen, no protection, Alexander Porter, mate, Robert Young and Wm. Braten, a seaman, John Malone, no protection; had taken an oath of allegiance to the United States, Three foreigners impressed, and two Americans returned in their place</td>
<td>Ditto, State of Delaware, Uncertain, Rhode Island, per mate's declaration, Philosophy, Holland, Ireland</td>
<td>Drake sloop of war</td>
<td>Do, Do</td>
<td>Do</td>
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COPY OF THE RETURN OF IMPRESSIONS AND DETENIONS, BY THE COLLECTOR OF PENNSYLVANIA.

*Abstract of American Seamen impressed by the belligerent Powers, commencing the 1st of October, and ending the 31st of December, 1796.*

<table>
<thead>
<tr>
<th>Date of entry</th>
<th>Names of Vessels</th>
<th>Names of Masters</th>
<th>Where from</th>
<th>Names of Seamen</th>
<th>Places of Birth</th>
<th>Place of Impression</th>
<th>BY WHOM IMPRESSED</th>
<th>Nations to whom they belong</th>
</tr>
</thead>
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<tr>
<td>17</td>
<td>Sloop Driver</td>
<td>Corry</td>
<td>Port au-Prince</td>
<td>Name unknown</td>
<td>Two Englishmen,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>13</td>
<td>Ship Edward</td>
<td>Howland</td>
<td>Liverpool</td>
<td>William Collet</td>
<td>Uncertain whether a citizen,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>15</td>
<td>Wilmington</td>
<td>Shields</td>
<td>-</td>
<td>Name unknown</td>
<td>A foreigner,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>15</td>
<td>Golden Age</td>
<td>Earl</td>
<td>Kingston</td>
<td>Jonathan Glover</td>
<td>Two Irishmen,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>17</td>
<td>George</td>
<td>Rice</td>
<td>Hull</td>
<td>Name unknown</td>
<td>Massachusetts,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>17</td>
<td>Caroline</td>
<td>Hilton</td>
<td>Liverpool</td>
<td>Name unknown</td>
<td>Two Foreigners,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>18</td>
<td>Schooner Virginia</td>
<td>Sellick</td>
<td>Port au-Prince</td>
<td>Name unknown</td>
<td>Delaware,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>18</td>
<td>Brig Caroline</td>
<td>Morton</td>
<td>Rotterdam</td>
<td>Name unknown</td>
<td>Uncertain,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>18</td>
<td>Friendship</td>
<td>Repley</td>
<td>Port au-Prince</td>
<td>Joseph Johnson</td>
<td>Pennsylvania,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>18</td>
<td>Sea Nymph</td>
<td>Haste</td>
<td>Grenada</td>
<td>Name unknown</td>
<td>Two foreigners,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>19</td>
<td>Schooner Hannah</td>
<td>Phippen</td>
<td>Jeremie</td>
<td>Isaac Lawrd</td>
<td>Philadelphia,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>20</td>
<td>Ship Charlotte</td>
<td>Bell</td>
<td>Greenock</td>
<td>John Smith</td>
<td>since cleared,</td>
<td>Theis Frigate,</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>24</td>
<td>Brig Ann</td>
<td>Copperthwait</td>
<td>St. Petersburg</td>
<td>Name unknown</td>
<td>An Irishman,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>Nov. 3</td>
<td>Ship Henrietta</td>
<td>Crane</td>
<td>St. Ubes</td>
<td>Name unknown</td>
<td>A foreigner,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>14</td>
<td>Schooner Harriet</td>
<td>Tice</td>
<td>Jamaica</td>
<td>Richard Lary</td>
<td>A Swedish,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>19</td>
<td>Dolphin</td>
<td>Tice</td>
<td>Jamaica</td>
<td>Wm. McMullen,</td>
<td>Argonaut,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>21</td>
<td>Brig Cincinnatus</td>
<td>Semple</td>
<td>Halifax</td>
<td>Name unknown</td>
<td>Uncertain whether a citizen,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>21</td>
<td>Schooner Musquito</td>
<td>Johnson</td>
<td>Jersey</td>
<td>John McDonald</td>
<td>Had sailed out of the U. S. since 1782,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>21</td>
<td>Schooner Musquito</td>
<td>Hersham</td>
<td>-</td>
<td>Thomas Cooper</td>
<td>Resolution,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>21</td>
<td>Schooner Eagle</td>
<td>Dana</td>
<td>-</td>
<td>Negro George</td>
<td>Thetis and</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>21</td>
<td>Sloop Sally</td>
<td>Watt</td>
<td>Port au-Prince</td>
<td>Name unknown</td>
<td>Prevoyante Frigates,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
<tr>
<td>26</td>
<td>Ship Old Tom</td>
<td>Pierron</td>
<td>Kingston</td>
<td>Lewis Rolen</td>
<td>Rhode Island,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
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<td></td>
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<td></td>
<td></td>
<td>Name unknown</td>
<td>A foreigner,</td>
<td>Do.</td>
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<td>Do.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>John Craller</td>
<td>A Swedish,</td>
<td>Do.</td>
<td>Do.</td>
<td>Do.</td>
</tr>
</tbody>
</table>
1. Affidavit of John Compton, late master of the schooner Active, dated Baltimore 30th May, 1796.


3. Affidavit of Thomas Holden, master of the ship Hearts of Oak, dated Providence, Rhode Island, 17th June, 1796.

4. Affidavit of John Davis, master of the schooner Industry, of Newburyport, dated Essex county, Massachusetts, 20th June, 1796.

5. Affidavit of John Tillinghast, master of the schooner Dolphin, of Providence, Rhode Island, dated Providence, 29th June, 1796.

6. Protest of James Lowell, master of the brig Union, of Newburyport, dated Newburyport, 8th July, 1796.


9. Protest of James Snell, a native of England, was impressed on board the said brigantine, on the 7th of July, 1796, at Antone in Jamaica, by the British sloop of war called the Cormorant.

10. Protest of Daniel Cee, supposed to be a native of England, who called himself a native of Virginia, was impressed at Liverpool, whilst he was engaged as seaman on board the said brigantine, on or about the 20th of April, 1796, and carried on board the British ship of war Acteon.


13. Protest of John Singleton, who said he was born at Newburyport, and another man, who was supposed to be a native of New England, were impressed on board the said ship on the 9th September, 1796, on a voyage from Havana to Providence, by the British ship of war Ceris, Captain John Newman.

Thomas Pettit, supposed to be an Irishman, and William Williams, supposed to be a Welchman, were impressed from the said ship on the 5th August, 1796, on a voyage from Dublin to New York, by a British ship of war, supposed to be the Cleopatra, Captain Penrose.

17. Protest of James Laughton, master of the ship Orlando, dated at New York, 13th October, 1796.

John Patten, a native of Massachusetts, and John Dowling, an Irishman, were impressed from the said ship at Cowes, in the Isle of Wight, on the 5th May, 1796, into the British service.

18. Affidavit of George Nowell, master of the ship Rebecca, dated at Norfolk, in Virginia, 6th August, 1796.

Richard Hallyard, a native of Philadelphia, was impressed from on board said ship, about ten leagues from Cape Henry, by the British frigate Theis, commanded by Captain Cochran. The Rebecca was then bound to Norfolk from Newburyport, whence she had departed on the 18th July, 1796.

19. Protest of John D. Bourne, master of the sloop Industry, of Charleston, South Carolina, dated at Charleston, 10th October, 1796.

That the said sloop was captured on the 27th July preceding, on a voyage from Charleston to Surinam, by the British ship of war Scipio, commanded by Sir Charles Sidney Davers, who ordered all the sloop's people on board the Scipio. The sloop was carried to Martinico without her people. Their names were John Collins, master; Frederick Robert, John Contrey, Christopher Jacob, and Isacc Moran, who is a citizen of the United States.


James Moor, a native of Whitehaven, in England, was impressed from on board the said brigantine, on the 9th September, 1796, at Granada, by His Britannic Majesty's ship Alarm, Captain Fellows.


Peter Coleman and Andrew Swanson, both Swedes, were impressed at Port Royal, in Jamaica, on the 8th September, 1796, from on board the said brigantine, by His Britannic Majesty's ship Alfred.

22. Protest of William Roberts, master of the schooner Sally, of Norfolk, dated at Norfolk, 10th October, 1796. Elisha Carter, a native of Rhode Island, was impressed from on board the said schooner, on the 9th August preceding, by the British ship of war Sampson.

23. Protest of James Deale, master of the ship Louis, dated at Norfolk, 31st July, 1796. Five seamen were impressed from on board the said ship, on the 18th of the same month, on a voyage from Baltimore to the Isle of France, about five leagues to the eastward of Cape Henry, by the British ship of war Prevoyante.


George Higginbottom, a native of Baltimore, and John Sands, a citizen of the United States, were impressed from on board the said ship, on the 7th of the same August, on a voyage from Bremen to Baltimore, about fifteen miles from Cape Henry, by the British ship of war Le Prevoyante, Captain Wemys.

25. Protest of Bartholomew Byers, master of the schooner Sisters, of Baltimore, dated at Baltimore, 9th September, 1796.

William Hampton, a native of the United States, was taken out of the said schooner, on the 7th August, 1796, on a voyage from Cape Fraunces to Baltimore, off the Bahamas, by two British privates; the one called the Hornet, Captain Steel, and the other called the Endeavour, Captain Fgog.

26. Protest of James Boyd, master of the schooner Betsy of Baltimore, dated 17th August, 1796. William Forrest, a citizen of the United States, was impressed from on board the said schooner, on a voyage from Jeremie to Baltimore, on the 1st of the same August, by the British ship of war Prevoyante.

27. Protest of Henry Tyson, master of the ship John, of Baltimore, dated at Baltimore, 4th August, 1796.

George Riley, a citizen of the United States, was impressed from on board the said ship, on the 15th December, 1796, on a voyage from Baltimore to Dublin, by Admiral Murray's ship, the Resolution. Afterwards, on her return, on the 19th July, 1796, James Watts, a passenger, and Brian Riley, the cook, a citizen of the United States, were impressed from the said ship, by the British ship of war Prevoyante.

28. Protest of Joseph Dexter, of the brigantine Polly, of Boston, dated at Baltimore, 26th July, 1796. James Grey, Joseph Dexter, and William Rogers, all citizens of the United States, were impressed from on board the said brigantine, on the 17th of the same July, on a voyage from Boston to Baltimore, off Cape Charles, three miles, by the ship of war Prevoyante.

29. Protest of John Smith, master of the ship Ardent of Baltimore, Baltimore, 14th September, 1796.

William Harly and William Hogue, both citizens of the United States, were impressed from on board the said ship, on the 6th of the same August, on a voyage from Liverpool to Baltimore, eight leagues off Cape Henry, by the British ship of war Prevoyante, Captain Wemys.

30. Protest of David Alden, master of the ship Thomas, of Portland, dated at Baltimore, 15th August, 1796. William Edwards, Richard Pasco, and Joseph Gibbons, all citizens and natives of the United States, were impressed from the service of the said ship, at Martinique, whilst they were on shore, some time subsequent to the 10th of April, by a gang from the British frigate Amible, Captain Davers.

31. Protest of David Barry, master of the ship Ardent, of Baltimore, dated at Baltimore, 14th September, 1796.

32. Protest of John Hargrave, master of the ship Ardent, of Baltimore, dated at Baltimore, 14th September, 1796.

33. Protest of John Hargrave, master of the ship Ardent, of Baltimore, dated at Baltimore, 14th September, 1796.

William M. Goddard and David Waters, both citizens of the United States, were impressed from on board the said ship at the said Cape Nicholas Mole, on the 29th October, 1796, by the British ship of war Hannibal, Captain Smyth.

Recapitulation of Seamen impressed.

16 who are called citizens of the United States,
8 citizens of Massachusetts,
6 do. Rhode Island,
2 do. New York,
4 do. Pennsylvania,
2 do. Delaware,
3 do. Maryland,
1 do. Virginia.

12 Citizens,
19 British subjects,
26 foreigners of other countries than Great Britain,
27 whose country is unknown.

In all, 107, exclusive of thirty-four Irish passengers.
INDEX.
ERRATA IN THIS VOLUME.

Page 57, line 51, for "1804," substitute 1801.
139, 7 from bottom, for "on," read in.
155, 19, for "style," read state.
174, 38, for "ancient regimen," read ancient regime.
244, 40 from bottom, for "20th March," read 26th March.
288, 28, for "No. 65," substitute No. 67.
322, 38, for "meditation," read meditation.
325, 18, for "greet," read great.
545, The notes explanatory of the treaty should follow the letter of Mr. Pinckney, (on page 346,) by which the treaty was communicated.
631, 28 from bottom, for "10th," read 9th.
641, 31 from bottom, for "formality," read informality.
688, 27 from bottom, for "soiled," read foiled.
738, 21, for "1795," read 1796.
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### VOL. I.

[Including the Executive messages at the opening of each session of Congress from 1759 to 1814.]

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<td>Adams, John—Extract of the journal of, on the terms of the treaty of 1783, Speech of, to Congress. Inaugural address</td>
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<td>40, 41, 48, 44, 54, 53, 43, 46, 49, 52, 55</td>
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<tr>
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<td>1796, Jan. 1, 507</td>
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<td>Informs the American Government, by the order of his own, of the success of France in forming treaties with Prussia, Spain, Tuscany, and Heuse Cassel, Letter of, to the Secretary of State: the scourges of war aggravated by the plunder of neutral vessels by Great Britain; France compelled by American acquiescence to follow her example; neutral Powers, causing their rights to be respected, will have nothing to fear. Acknowledges the Secretary's note of November 1, Reply to the note of November 1; menaces; reproaches; complaints; allegations against the United States of duplicity, weakness, partiality, insensibility to the claims of justice and honor; with disregarding their national obligations; affording an asylum to British ships of war; declining liberal commercial overtures; violating treaty stipulations, and forming in opposition to them a connexion with Great Britain; declares that the vessels of the United States will be exposed to plunder from French vessels of war and privateers; that his ministerial functions are suspended, though his suspension is not to be viewed as an immediate rupture, Notes to this letter, Observations on the British treaty: on the subject of contraband, it gives advantages to Great Britain withheld from France, and violates the 29d and 29th articles of commercial treaty; and, in respect to ships of war and prizes, renders the 17th article inoperative, Requesting the liberation of the French privateer La Vengeance, To Mr. Pickering, Secretary of State, renewing his application in behalf of the Vengeance, To Mr. Randolph, respecting the Cassius, detained by the arrest of the captain, Transmits documents relating to the Cassius, To Mr. Pickering, relating to the Cassius, Remonstrates against the new arrest and detention of the Cassius, and against the jurisdiction of American courts in similar cases, Declines to furnish any other evidence than his own declaration that the Cassius was the property of the French republic. Showing the time when the Cassius became the property of the French republic, Abandoning the corvette Cassius to the American Government, ordered to ascertain damages due for her arrest and detention, Communicates to Mr. Randolph the instructions of his Government respecting a liberal commercial treaty with the United States</td>
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Suggestions respecting indemnities for spoliations.

Amendments on Lord Grenville's reasoning concerning the negroes; questions Mr. Jay's accuracy respecting the time of surrendering the posts; other points of the projected treaty criticised.

Further remarks on private commissions; the negroes; and the posts.

Examines more particularly the articles of the project which he considers objectionable; reviews the provisions respecting the negroes, the posts, compensation for captures; West India trade; and boundary; and, excepting the last he expresses dissatisfaction with all.

To D. Humphreys: peace with Algiers.

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To Thomas Pinckney, envoy extraordinary to Spain; his nomination, appointment, and return to London.

To Mr. Fauchet; that the case of the prize to the Sans Pareil has been inquired into; assurances that in all cases justice will be enforced by the American Government.

That the prize of the Sans Pareil has been restored.

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Declaration of, respecting a communication with Mr. Fauchet.

To Mr. Ade, containing a defence of the treaty with Great Britain, of 1794, and an account of the objections of the French minister.

To Mr. Fauchet, on the alleged insult to the French privateer Favorite.

To the District Attorney of New York, on the subject of the alleged insult to the Favorite.

To Mr. Fauchet, communicating instructions given by the Government, proceeding from an investigation of facts respecting the Favorite.

Encloses a copy of a letter from the Collector of New York relating to the Favorite.

That the French privateer Carmagnole, illegally fitted out in the United States, must be dismantled.

Transmits a copy of the rules adopted by the Government of the United States, for the enforcement of their neutral rights, and the fulfilment of their neutral obligations; that the Carmagnole (or Columbia) still continues to disregard them.

To Mr. Fauchet, advert to an exceptional paragraph in his letter of Aug. 21; reminds him of the measures adopted by the American Government in relation to Genet; and enforces the construction already given to the treaty with France.

States the causes which have prevented the Government from repeating instructions which had been issued to Governor Lee.

To the Lieutenant Governor of Virginia, requests the enforcement of the treaty with France, prohibiting British vessels of war from bringing French prizes into the ports of the United States.

Encloses instructions to the Governors of the States, to respect and enforce the treaties with France.

Transmits a letter from the Lieutenant Governor of Virginia; states the measures taken in relation to the British frigate Terschelling.

Communicates, as a reply, a copy of his letter to the Governor of Virginia; urges the most speedy and effectual measures to enforce the observance of the treaty with France.

Transmits letters received from the Governor of Virginia, showing the measures taken to prevent British ships of war from bringing prizes into the ports of the United States.

To Mr. Fauchet, that his letter of the 2d May had been submitted to the President, who has examined, himself, every ground of complaint; proceeds to comment on several allegations, tending to charge the United States with a predilection for Great Britain; classifies the cases of restored prizes; justifies their restitution; places the measures of France and Great Britain in their just light; and vindicates the Government against the charge of injustice towards one, and weak submission towards the other.

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To Mr. Monroe, communicating instructions on his departure as minister to France: recommending parties: recall of Mr. Genet and Mr. Morris: in what way the neutrality of the United States benefits France: mission of Mr. Jay: he is forbidden to weaken existing engagements with France: policy of France, if the United States should be drawn into the war; the determination of the President to remain unconnected with either France or England; French exiles; Fauchet; information, statistical, moral, and political, required, as to the state of France; subjects which Mr. Monroe must refer to the heads of the Government; subjects for his own action; indemnification for captures; success to St. Domingo sufferers; drafts for supplies; consular appointments; friendship of France; navigation of the Mississippi, how it may be secured,

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